

Framework Adjustment 4 to the Atlantic Herring FMP

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Herring PDT Chair

NEFMC Meeting
April 2014



Framework 4 Background

- Developed by the Council to address disapproved elements of Amendment 5:
 1. Dealer Weighing/Reporting Requirements
 2. Management Measures to Address Net Slippage
- Disapproved elements related to observer coverage requirements and industry-funded monitoring will be addressed in NMFS-led omnibus amendment (under development)



Framework 4 Goals/Objectives

1. Create a cost-effective and administratively feasible program for accurate and timely records of catch of all species in the Atlantic herring fishery
2. Develop a program providing catch/bycatch information that will foster support by the industry and others, i.e., well-designed, credible program
3. Design a robust program for adaptive management
4. Determine if at-sea sampling provides bycatch estimates similar to dockside monitoring



Dealer Weighing/Reporting Alternatives

Section 2.1, p.6

- Reconsideration of Am5 alternatives with more specific industry weighing/handling standards
- Objective of the dealer weighing/reporting alternatives is to improve the accuracy of catch information in the Atlantic herring fishery
- Developed based on guidance from Herring AP and other industry members
- Four alternatives under consideration, including no action/status quo (Dealer Alternative 1, p. 6)
- See *related correspondence from GARFO*



Dealer Alternative 2

Section 2.1.2, p.7

One or more of the following Options:

- A. Vessel operators required to validate information reported through Fish-on-Line
- B. VTRs and dealer reports required to be submitted within 24 hours of trip/purchase
- C. Fish holds on limited access herring vessels required to be empty before leaving the dock when declared into the herring fishery*

**ASMFC is considering this requirement in an upcoming Addendum to Interstate Herring FMP.*

Options can be combined with other dealer alternatives.



Dealer Alternative 3

Section 2.1.3, p.8

Third-Party Catch Verification (Vessel-Level)

- Vessels required to certify capacity of fish holds and provide information to NMFS
- Vessels retain customized measuring stick (weighted) on board
- NMFS-approved observer dips stick at first point of landing to estimate weight of total catch on board
- Volumetric conversion for pounds of Atlantic herring (see Appendix I)



Dealer Alternative 4

Section 2.1.4, p.9

One or more of the following Options:

- A. Standardized Weight for “Herring Box”
(1,869 pounds)
- B. Standardized Method for Estimating Weight
(All Storage Containers)
- C. Standardized Method for Estimating Weight of
Transport Vehicles
 - Dealers required to certify/mark capacity of transport vehicles, provide information to NMFS
 - Volumetric conversion to pounds of Atlantic Herring (see Appendix I)



Dealer Alternative 4

Section 2.1.4, p.9



RIFT35 STACKED

A. Standardized Weight for Herring Box

NILKAMAL INSULATED FISH TOTES Atlantic Style: (Commercial Grade) <i>All Tare Weights & Dimensions are approximate</i>								
All Nilkamal Fish Totes have solid PUR "Foam Core Insulation" and mix & stack with or without a lid with the competition.								
							<i>Some stack variations occur; check with HADCO</i>	
Model #	Size	US Gallons	Capacity Full	Out Dimensions includes lid	In Dimensions	Tare Weight	TL	COMMENTS
RIFT310	10.5 Cube	80 Gal.	600 lbs / 270 kg	36" X 28" X 28"	34" x 26" x 23"	70 lbs. with lid	117 / 40"HC	Atlantic day boat size
RIFT25	25 Cube	198 Gal.	1500 lbs / 680 kg	48" X 43" X 38"	44" x 38" x 27"	175 lbs. with lid	57 / 40"HC	Atlantic standard
RIFT35	35 Cube	260 Gal.	2200 lbs / 1015 kg	48" X 43" X 50"	44" x 38" x 40"	229 lbs. with lid	40 / 40"HC	Atlantic tall box
RIFT1000	35 Cube	260 Gal.	2000+ lbs / 908 kg	58.5" X 46.5" X 38"	55" x 43" x 29"	218 lbs / 100 kgs	47 / 40"HC	Pacific long box



Appendix I

Potential Applicability of Flow Scales, Hopper Scales, Truck Scales, and Volumetric Measurement in the Atlantic Herring Fishery

*2200 #
Metric Ton*

SEAPRO INCORPORATED

Manufacturer of Fish Meal and Fish Oil

ROCKLAND, MAINE 04841

Phone Rockland 594-7100 or Camden 236-3810

HERRING MEASURE — CONVERSION CHART

2 BARRELS = 1 Hoghead

Bushels	<i>1 Bushel = 70#</i> Hogsheads	<i>1290 LBS</i> Tons
17.5	1	.6125
35.0	2	1.2250
52.5	3	1.8375
70.0	4	2.4500
87.5	5	3.0625
105.0	6	3.6750
122.5	7	4.2875
140.0	8	4.9000
157.5	9	5.5125

1.7 cases/Hoghead

1750.0	100	61.2500
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DATA

- 1 Bushel Herring—70#
 - 1 Cubic Foot Herring—56.2#
 - 1.244 Cubic Feet Herring—1 Bushel = 70 lbs.
 - 21.77 Cubic Feet Herring—1 Hogshead
 - 28.56 Bushels Herring—1 Ton
 - 1225#—1 Hogshead
 - 17½ Bushels—1 Hogshead
- 27 cu. ft. = 1 cu. yd.*

SEAPRO INCORPORATED

Rockland Maine

162.8 gals = 1 Hogshead



Fw4 Dealer Alternatives

Herring Plan Development Team (March 6, 2014)

- Third-party verification of total catch may provide a cross-check but won't replace other data sources
- Concerns about increasing requirements/responsibilities for observers
- Unclear whether volumetric conversion could introduce new error and/or reduce accuracy
- Alternatives do not address species-specific component of catch weighing/reporting
- May address perceptions, but not likely to improve the accuracy of catch information



Fw4 Dealer Alternatives

Herring Committee Recommendation (April 3, 2014)

- Dealer Alternative 2, Options A, B, and C

AND

- Dealer Alternative 3, to apply to limited access herring vessels that store their catch below deck in fish holds

Herring Advisory Panel supports Dealer Alternative 3 (April 2, 2014).



Fw4 Dealer Alternatives

Enforcement Committee (April 15, 2014)

- Some reservations about the utility of Alternatives 2A and 2B, given recent GARFO comments and increased compliance/enforcement costs associated with the proposed requirements
- Support for Alternative 2C (note that requiring confirmation through VMS would require changes to VMS forms and 60 days lead time)
- No enforcement issues identified with respect to Alternative 3



Fw4 Dealer Alternatives

Analysis of Impacts

- Appendix I provides information about costs for certifying vessels, basis for volumetric conversions, etc.

Potential Applicability of Flow Scales, Hopper Scales, Truck Scales, and Volumetric Measurement in the Atlantic Herring Fishery

- Extremely difficult to predict impacts of dealer alternatives
- See Herring PDT Report and GARFO correspondence



Measures to Address Net Slippage

Section 2.2, p.12

SLIPPAGE (Amendment 5):

Unobserved catch, i.e., catch that is discarded prior to being observed, sorted, sampled, and/or brought on board the fishing vessel.

Slippage can include the release of fish from a codend or seine prior to completion of pumping or the release of an entire catch or bag while the catch is still in the water.

- *Does not include operational discards*
- *Does not include at-sea discards that occur after catch is brought on board and sorted*



Measures to Address Net Slippage

Section 2.2, p.12

OPERATIONAL DISCARDS (Amendment 5):

Fish that cannot be pumped and that remain in the net at the end of pumping operations

- *Observer protocols include documenting fish that remain in the net in a discard log (and identifying them as operational discards) before the net is released, and regulations require vessel operators to assist the observer in this process.*
- *Amendment 5 regulations enhance observer's ability to document operational discards.*



Measures to Address Net Slippage

Section 2.2, p.12

- Clarification of Amendment 5 management measures to address net slippage (Table 1, p. 13)
- Five alternatives for additional consequences: move-along rules for allowable slippage events
- Trip termination option for all other slippage events
- Released Catch Affidavit required for all slippage
- Requirement for VMS notification of all slippage
- Apply to Category A/B or Category A/B/C vessels?



Clarification of Am5 Measures

Section 2.2.1, p.12

Amendment 5: All fish must be pumped aboard the vessel and made available for sampling and inspection by an observer prior to being discarded.

1. Does this apply to operational discards on MWT vessels?

See Options for Operational Discards (Midwater Trawl)

2. Does this apply to instances of gear damage?

If “no,” then release from gear damage would fall under “mechanical failure” exemption (Herring Committee recommendation)

3. Does this apply to fish that fall out/off gear?

Herring Committee Recommendation: No, this catch would not be subject to slippage measures.



Clarification of Am5 Measures

Section 2.2.1, pp. 14-15

Operational Discards on Midwater Trawl Vessels

Do the management measures to address net slippage apply to operational discards on midwater trawl vessels when not fishing in a year-round groundfish closed area?

Option A: No

Status quo. Operational discards prohibited on midwater trawl vessels in year-round groundfish closed areas only

Option B: Yes (Herring Committee Recommendation)

Operational discards prohibited on midwater trawl vessels in all areas when carrying an observer



Slippage Alternative 1

Section 2.2.2.1, p.16

No Action Alternative (Status Quo, Amendment 5)

- Full sampling when observer on-board
- Slippage prohibited except (1) safety (2) mechanical failure (3) dogfish
- If slippage occurs, Released Catch Affidavit
- 100% coverage and no operational discards in year-round groundfish closed areas and requirement to leave area for remainder of trip if slippage occurs
- Measures to improve sampling, including visual access to codend



Slippage Alternative 2

Section 2.2.2.2, p.18

Move-Along Statistical Area

Figure 1, p. 19

- Vacate Statistical Area for remainder of trip for slippage due to safety, mechanical, dogfish
- Any exemptions to move-along rule?
(safety, mechanical, and/or dogfish)
- Trip termination option for all other observed slippage events
- VMS notification



Slippage Alternative 3

Section 2.2.2.3, p.20

Move-Along Management Area (Figure 2, p. 21)

**Midwater trawl and bottom trawl vessels only*

- Vacate Management Area for remainder of trip for slippage due to safety, mechanical, dogfish
- Any exemptions to move-along rule?
(safety, mechanical, and/or dogfish)
- Trip termination option for all other observed slippage events
- VMS notification



Slippage Alternative 4

Section 2.2.2.4, p. 22

Move-Along Miles Away

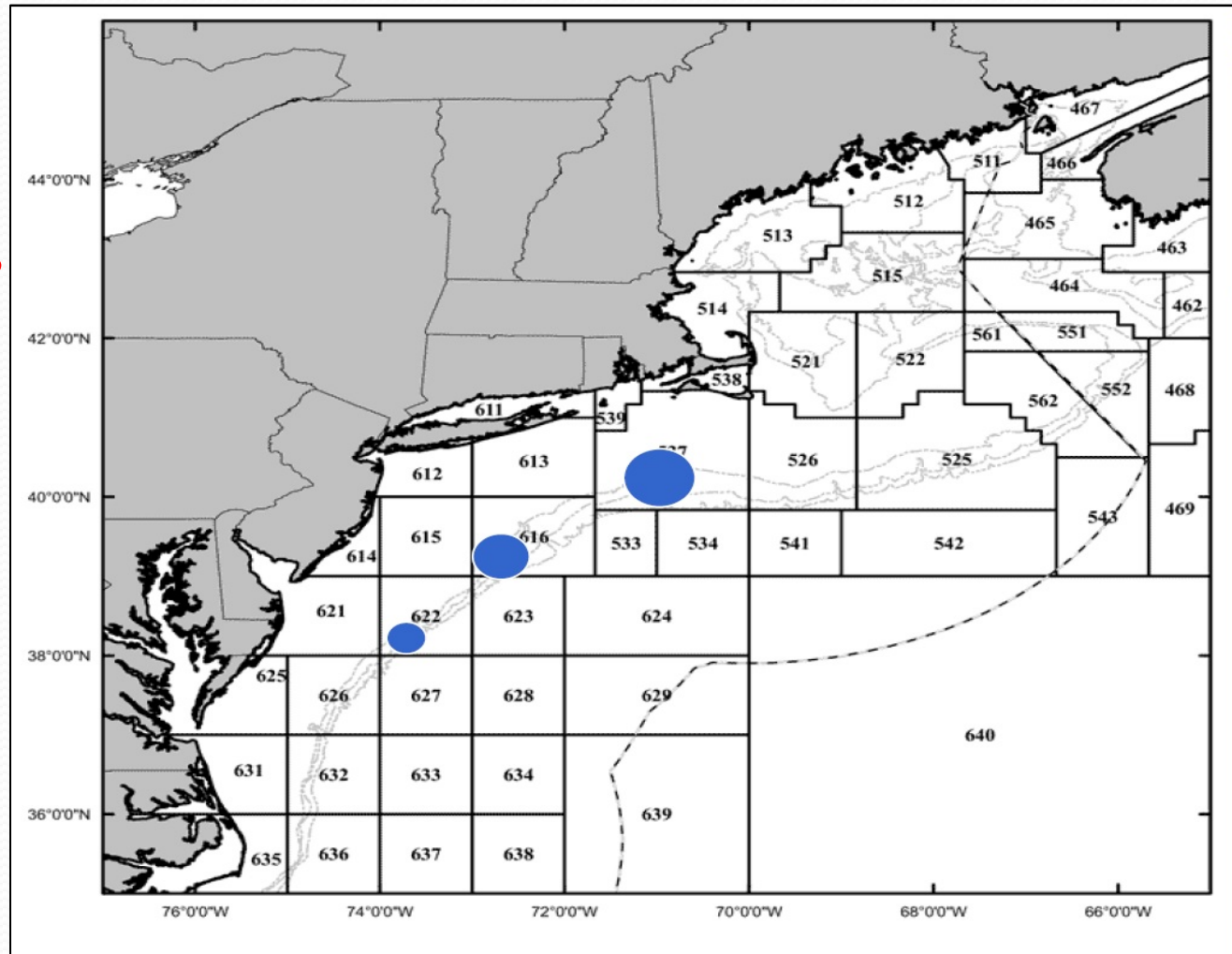
- Move X miles for remainder of trip for slippage from safety, mechanical, dogfish
- Options for 10, 15, 20 nm (creates a closed area)
- Any exemptions to move-along rule?
(safety, mechanical, and/or dogfish)
- Trip termination option for all other observed slippage events
- VMS notification



Slippage Alternative 4

Section 2.2.2.4, p. 22

Example “closed area” based on 10, 15, and 20 nm move-along rule



Slippage Alternative 5

Section 2.2.2.5, p. 23

No Move-Along Requirement

No additional consequences for slippage from safety, mechanical failure, spiny dogfish

- Trip termination required for all other observed slippage events
- VMS notification

Consistent with Mid-Atlantic Council's Preferred Alternative in Framework 9 to the MSB FMP



Fw4 Slippage Alternatives

Herring Plan Development Team (March 6, 2014)

- Current measures (Amendment 5, 3/17/14) should significantly reduce slippage
- If the number of events or reasons for slippage increase or change significantly, this would serve as a red flag to revisit Am5 slippage provisions
- PDT supports proposed requirement for VMS notification of slippage events to enhance effectiveness and enforceability of Am5 measures



Fw4 Slippage Alternatives

Herring Plan Development Team (March 6, 2014)

- Alternatives not likely to affect slippage due to vessel capacity full (one of the primary reasons for slippage), as vessels are likely to end the trip regardless
- If additional consequences are adopted, the same consequences should apply to all allowable slippage events (no exemptions)
- Move-along rules for statistical areas and management areas will have differential impacts



Fw4 Slippage Alternatives

Analysis of Impacts

- Based on analysis of available NEFOP slippage data from 2010-2013 (Appendix II)
- Extremely difficult to predict impacts of measures to address net slippage
- Differential impacts: move-along X miles is only alternative that applies a consistent consequence to all vessels
- Applying to Category A/B vessels addresses vast majority of directed fishery (all MWT vessels)



NEFOP Slippage Data

Appendix II

2012-2013 Observer Data

- 1,126 purse seine/midwater trawl/bottom trawl hauls observed (20-30% coverage)
- 95 partial/full slippage events (8.4%)
- 343 operational discard events (30.5%)
- Average weight slippage event – 8,230 pounds
- Average weight operational discards – 198 pounds



NEFOP Slippage Data

Appendix II

Purse Seine Vessels 2012-2013

- 29 slippage events and 112 operational discards on 92 trips
- No slippage observed due to safety, mechanical failure, or spiny dogfish
- Slippage due primarily to vessel capacity filled and not enough fish to pump
- Slippage due to no market value larger amounts



NEFOP Slippage Data

Appendix II

Midwater Trawl Vessels 2012-2013

- 64 slippage events and 231 operational discards on 348 trips (27 slippage events on tows that started or ended in CAI)
- No slippage observed due to safety or mechanical failure; 29% of fish slipped on events due to dogfish
- One very large event from gear damage
- Slippage due primarily to not enough fish to pump and vessel capacity filled



NEFOP Slippage Data

Appendix II

Bottom Trawl Vessels 2012-2013

- Two slippage and no operational discards on 53 trips
- No slippage observed due to safety, mechanical failure, or spiny dogfish
- Total estimated slipped catch 500 pounds



Fw4 Slippage Alternatives

Herring Committee Recommendation (April 3, 2014)

- Operational Discard Option B – prohibit operational discards on midwater trawl vessels in all areas
- Gear Damage Option A – gear damage part of mechanical failure (*supported by Herring AP*)
- Catch that falls out/off of gear not subject to slippage measures (*supported by Herring AP*)



Fw4 Slippage Alternatives

Herring Committee Recommendation (April 3, 2014)

- Slippage Alternative 4
 - 15 nm move-along for slippage from safety, mechanical failure, or dogfish (no exemptions)
 - Trip termination for other slippage events
 - Apply to Category A/B herring vessels

Herring Advisory Panel supports Slippage Alternative 5, to apply to all limited access (Category A/B/C) herring vessels (April 2, 2014).



Fw4 Slippage Alternatives

Enforcement Committee (April 15, 2014)

- Enforcement of these regulations at-sea is not possible unless the slippage event is explicitly observed at the time it occurs.
- Enforcement dockside/post-trip is complicated; the Committee provided several suggestions.
- Increasing penalties for non-reporting or non-compliance may be useful in that it would raise the cost of a violation.
- The program cannot work effectively unless enforcement personnel have timely and regular access to observer data.



Fw4 Slippage Alternatives

Suggestions to Address Enforceability (April 15, 2014)

- Support for VMS requirement for slippage notification (self-reported) for trips with observers on board
- Send a letter requesting consideration of increasing penalties for non-reporting or non-compliance with requirements for affidavit
- Send a letter to NMFS requesting that a process be adopted to address the need for timely and regular access to observer data by enforcement personnel



Fw4 Slippage Alternatives

Suggestions to Address Enforceability (April 15, 2014)

- Clarify that 15 nm move-along rule applies to when the vessel could resume fishing operations (i.e., the vessel would be required to move 15 nm before it could set out for the next tow)
- Ultimately, prosecution of cases for violating slippage regulations will rely on what the observer documents versus what the captain reports.



Framework 4 Timeline

- Herring Committee January 14, 2014
- NEFMC January 28-30, 2014
(Initial Fw4 Meeting)
- Herring Advisory Panel February 13, 2014
- Herring PDT March 6, 2014
- Herring AP and Committee April 2-3, 2014
- **NEFMC April 22-24, 2014**
(Final Fw4 Meeting)
- Submission/Implementation ASAP (1/1/15)

