



## New England Fishery Management Council

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## DRAFT REPORT

### Herring Advisory Panel

Sheraton Colonial, Wakefield MA

April 2, 2014

**MEETING ATTENDANCE:** Herring Advisory Panel: Chris Weiner, Herring AP Chairman; Peter Baker, Vice Chairman; Jennie Bichrest, Peter Mullen, Gerry O’Neill, Spencer Fuller, Don Swanson, Dave Ellenton, Bob Westcott, Bert Jorgenson (afternoon) (10 of 15 advisors present), Lori Steele and Rachel Feeney NEFMC staff; Carrie Nordeen, NMFS NERO staff, Madeleine Hall-Arber (MIT Sea Grant, Herring PDT), Brad Schondelmeier (MA DMF), Ryan Raber, JJ Bilodeau (F/V Providian), other interested parties.

**GoToMeeting (Webinar):** Matt McKenzie, Greg Wells, Erica Fuller, Ray Kane, Tom Rudolph, Glenn Chamberlain

The Herring Advisory Panel (AP) met on April 2, 2014 in Wakefield, Massachusetts to: review and discuss the Framework 4 alternatives and to develop related AP recommendations. Framework 4 includes alternatives to address two disapproved elements of Amendment 5 – dealer weighing/reporting provisions and management measures to address net slippage.

### KEY OUTCOMES

The Herring AP passed motions and reached consensus to support the following alternatives/options in Framework 4 to the Atlantic Herring FMP (described in detail in Framework 4 Discussion Document):

- Dealer Alternative 3, with consideration of additional entities to perform measurements;
- Gear Damage Option A – gear damage is part of mechanical failure;
- Catch not brought on board due to falling out/off of gear would not be subject to additional slippage measures;
- Requirement for VMS notification of slippage events;
- Slippage Alternative 5, no move-along for slippage due to safety, mechanical failure, or spiny dogfish, and trip termination for other slippage events; and
- Management measures to address net slippage should apply to all limited access permit holders (Category A, B, and C).

Detailed minutes of the meeting and a summary of the discussion are provided on the following pages.

### ***PRESENTATION: FRAMEWORK 4 TO THE HERRING FMP***

Ms. Steele (Council staff) presented an overview of the Framework 4 Discussion Document, including the alternatives under consideration, background information and analyses, and information provided by the Herring PDT at its March 6, 2014 meeting. Several AP members asked follow-up questions, and the advisors engaged in a relatively lengthy discussion about the details of the Framework 4 alternatives.

### ***FRAMEWORK 4 DEALER WEIGHING/REPORTING ALTERNATIVES***

The Herring AP members discussed the elements of the dealer weighing/reporting alternatives under consideration in Framework 4. Ms. Nordeen (GARFO Staff) summarized comments from the NMFS Analysis and Program Support Division (APSD) regarding the alternatives under consideration in Framework 4 to address dealer weighing/reporting.

- Mr. Baker stated that it is not unreasonable to require the observer to stay with the vessel once it lands, and he believes that the trip ends when the vessel has offloaded all catch and the fish holds are empty. He expressed support for measures in Framework 4 that would require observers to stick the fish holds when the vessel lands to provide an estimate of total catch on board.
- In response to a question raised by the Herring PDT, Mr. Mullen stated that it would not be appropriate to try to measure the fish holds at sea or while the vessel is steaming home. He suggested that more accurate measurements could be made once the vessel docks and the fish and water in the holds settle for a few minutes.
- Mr. Mullen expressed concern about the proposed requirement that fish holds be empty before leaving the dock. He described an example during the winter in which two truckloads of his catch were considered to be sold prior to landing, but then they were ultimately not purchased because the processing equipment was frozen when the vessel landed, and the dealers cancelled the purchase. He raised concerns with a requirement that these fish not be disposed of at sea and wondered what he would do with them since they cannot be mealled either.
- Ms. Bichrest expressed concern about a requirement to submit catch reports within 24 hours and indicated that this would be especially difficult, if not impossible, for fish that are trucked to Canada.
- It was clarified that the options included in Alternative 2 could be combined with the other alternatives under consideration in Framework 4.
- Mr. Weiner expressed support for implementing a system for cross-checking and verifying estimates of total catch, as proposed in Alternative 3.
- Mr. Raber (audience) emphasized that there is no motivation for participants in the herring fishery to under-report or inaccurately report catch. He also noted that even if there are concerns about vertical integration in some companies, the crew is never vertically-integrated; since crew members are paid based on the catch, they watch offloads very closely to ensure that all catch is accounted for and that they are paid correctly.

**1. MOTION: SPENCER FULLER/PETER BAKER**

To support Dealer Alternative 3

**Discussion on the Motion:** The Advisory Panel discussed the potential for other entities to measure the tanks at the first point of landing and agreed that this flexibility should be included in the alternative.

**MOTION WAS PERFECTED:**

To support Dealer Alternative 3 with consideration of additional entities to perform measurements

**THE MOTION CARRIED UNANIMOUSLY 9-0-0.**

**2. MOTION: PETER BAKER/DON SWANSON**

To support Dealer Alternative 4

**Discussion on the Motion:** The Advisory Panel briefly discussed the elements of Alternative 4, but support for these provisions was mixed. The maker of the motion withdrew the motion and was comfortable moving forward with Advisory Panel support for Alternative 3.

**MOTION WAS WITHDRAWN.**

***FRAMEWORK 4 MANAGEMENT MEASURES TO ADDRESS NET SLIPPAGE***

The Herring Advisory Panel discussed the various elements of the management measures to address net slippage under consideration in Framework 4.

**3. MOTION: PETER BAKER/DON SWANSON**

To support Operational Discard Option B (prohibit operational discards on midwater trawl vessels in all areas when carrying an observer)

**Discussion on the Motion:** The Advisory Panel members discussed the feasibility of prohibiting operational discards. Ryan Raber (F/V Providian) described what operational discards represent as well as some of the logistical issues on his midwater trawl vessel. He stated that operational discards represent the fish that do not sink and cannot be pumped, or those that are left in the meshes of the net, under the chains, and in the loops, and simply do not make it aboard the vessel during normal fishing operations. He expressed concern about vessels' ability to comply with a prohibition on operational discards.

**MOTION FAILED 2-7-0.**

**4. MOTION: PETER BAKER/DON SWANSON**

To support Gear Damage Option A on clarifications to current measures (gear damage would fall under mechanical failure)

**Discussion on the Motion:** No further discussion.

**MOTION CARRIED UNANIMOUSLY 9-0-0.**

### ***HERRING ADVSORY PANEL CONSENSUS***

*Catch not brought on board due to falling out/off of gear would not be subject to additional slippage measures (consistent with staff recommendation in Framework 4 Discussion Document).*

The Herring Advisory Panel then addressed the move-along alternatives under consideration in Framework 4 to address net slippage.

#### **5. MOTION: SPENCER FULLER/GERRY O'NEILL**

To support Slippage Alternative 5, Section 2.2.2.5, p. 23 of the Framework 4 Discussion Document

**Discussion on the Motion:** Mr. Mullen stated that he does not support the trip termination option in any of the move-along alternatives.

**MOTION CARRIED 7-2-0.**

#### **6. MOTION: PETER BAKER/DON SWANSON**

That the measures to address net slippage should apply to Category A and B vessels only

**Discussion on the Motion:** Mr. Westcott felt that the same regulations should apply to all limited access permit holders.

**MOTION FAILED 2-7-0.**

#### **7. MOTION: SPENCER FULLER/JENNIE BICHREST**

That the measures to address net slippage should apply to all limited access vessels (A/B/C)

**Discussion on the Motion:** None.

**MOTION CARRIED 7-2-0.**

### ***HERRING ADVSORY PANEL CONSENSUS***

*The Herring Advisory Panel supports the proposed requirement for VMS notification of slippage events, which is an element of all of the move-along alternatives in Framework 4.*

### ***OTHER BUSINESS***

Jamie Cournane, NEFMC staff, presented an overview of the agenda and meeting goals for the upcoming New England Regional Workshop on Electronic Monitoring (EM, May 2014). She identified the strawman EM goals for fisheries, including the Atlantic herring fishery. She encouraged participation in the workshop and feedback on the agenda/goals/strawman from the Herring Advisory Panel members and suggested that individuals contact her or other Workshop organizers following the meeting if they want to provide additional input.

The Herring Advisory Panel Meeting adjourned at approximately 3:30 p.m..