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New England Fishery Management Council

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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

Herring Oversight Committee Meeting Summaries

- December 20, 2010 (Joint with Advisors)
- November 30, 2010
- September 1-2, 2010



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FINAL MEETING SUMMARY

Joint Herring Committee and Advisory Panel Meeting

Sheraton Harborside, Portsmouth NH

December 20, 2010

The Herring Committee met jointly with the Herring Advisory Panel (AP) to: continue development of alternatives for consideration in Amendment 5 to the Atlantic Herring Fishery Management Plan (FMP), with particular focus on management measures to address river herring bycatch; discuss possible options for river herring catch caps; discuss alternatives for identifying river herring hotspots; consider streamlining and develop recommendations; discuss management alternatives to apply to river herring hotspots; and consider streamlining and develop recommendations.

Meeting Attendance: Doug Grout, Chairman; Rodney Avila, Erling Berg, Howard King, Mary Beth Tooley, Jim Fair, Terry Stockwell, Frank Blount, John Pappalardo, Herring Committee members (9 of 13 Committee members; Gibson, Pierce, Leary, Libby absent); Dave Ellenton (Herring AP Chair), Al West, Peter Moore, Chris Weiner, Vito Calomo, Bob Westcott, Don Swanson, Jeff Kaelin, Gib Brogan, Herring Advisors (9 of 15 herring advisors, Bichrest, Fuller, Mullen, Reichle, Turner absent); Lori Steele, Talia Bigelow NEFMC staff; Carrie Nordeen, Aja Peters Mason, Lindsey Feldman, NMFS NERO; Matt Cieri, ME DMR; Bill Hoffman (MA DMF); Sean Mahoney (CLF, proxy for Peter Baker); Kristen Decas (New Bedford), Karen Alexander (UNH), Gary Libby, Patrick Paquette, Roger Fleming, and several other interested parties.

The meeting began with a moment of silence for herring industry member Gerry O'Neil.

During a review of the agenda, Mr. Grout suggested that an opportunity for public comment on issues not on the agenda be allowed prior to beginning the meeting, based on a request. Ms. Tooley asked whether it may be appropriate to move agenda items and allow the Committee and Advisory Panel to review/discuss all presentations to be given at the meeting prior to developing any recommendations. Ms. Steele noted that the morning presentation and discussion was intended to focus specifically on catch caps, and the Committee generally agreed on the structure of the agenda. Mr. Kaelin asked the Committee to consider allowing time for a presentation to be made by Dr. Michael Armstrong from Massachusetts Division of Marine Fisheries (MA DMF). He felt that Dr. Armstrong's presentation contained information pertinent to the Committee discussion and important to consider prior to decision-making. After some

discussion, the Committee agreed that Dr. Armstrong would give an abbreviated presentation following the opportunity for public comment.

During the opportunity for public comment, Kristen Decas, Port Director for New Bedford, spoke on behalf of the mayor and at the request of the herring industry. She urged the Committee to address the issue of increasing the haddock catch cap because it will have a negligible effect on the groundfish fishery and it will prevent the loss of additional jobs in the port of New Bedford. Mr. Grout briefly summarized the Council's decision with respect to the haddock catch cap and the anticipated timeline for Framework 47 to the Groundfish FMP.

Consideration of Options for River Herring Catch Caps

Ms. Steele presented an overview of the development of measures to address river herring bycatch in Amendment 5 and focused primarily on the Herring PDT's recent work on information and analyses to consider if/when developing options for river herring catch caps in Amendment 5.

- Mr. Calomo asked how economic impacts and the loss of jobs would be considered in Amendment 5 and factored into the analysis. He also suggested that the industry should possibly consider gear modifications to address bycatch concerns.
- Ms. Tooley noted that the presentation and Herring PDT analyses indicate that there are not enough data on which to base a catch cap. Ms. Steele agreed but clarified that while the fishery has been sampled relatively extensively in recent years, the sampling challenges and variability associated with the data are precluding the accurate estimation of catch in the fishery, not necessarily the amount of data or the level of sampling.
- Mr. Brogan asked how the Atlantic States Marine Fisheries Commission (ASMFC) has been involved in the process and encouraged that the ASMFC be consulted regarding the measures proposed to address river herring bycatch. He also asked for clarification regarding the species that are considered to be river herring (blueback herring and alewife).
- Mr. King felt that since a cap can really only be based on catch history at this time and since catch history is uncertain, the Committee may want to consider using the cap as a trigger for other management actions.
- Mr. Mahoney asked a clarifying question about bottom trawl river herring removals in the southern New England area. Ms. Steele stated that while there are bycatch concerns in all areas, Area 2 is the area of greatest concern, and bottom trawl vessels are of particular concern in this area. She also clarified that the PDT considered precautionary catch caps as well as other approaches before developing its consensus statement.
- Mr. Ellenton asked Ms. Steele if it is the opinion of the Herring PDT that river herring catch caps should not be explored further in Amendment 5, and she answered affirmatively.

Dr. Armstrong provided the Herring Committee and Advisory Panel with a brief presentation summarizing some of his recent work investigating the decline of river herring stocks. He noted that while the presentation is not directly applicable to the subjects at hand for the Committee and Advisory Panel, it frames the issues related to the decline of river herring and demonstrates that there is more than one cause for the decline. He also noted that the information and analyses

he presented have not been developed or reviewed by the Herring PDT and will likely not be reviewed by the Herring PDT since the PDT has not been charged with determining the reasons for the decline of the river herring stocks. He said that he does intend to have the information peer reviewed for possible publication.

1. MOTION: TERRY STOCKWELL/RODNEY AVILA

Recommend that catch cap measures be placed in the "Considered but Rejected" section of Amendment 5

Additional Discussion on the Motion: Mr. Pappalardo expressed concern about the motion and reminded the Committee that the Council voted in September 14-1 to direct the Herring Committee to develop a catch cap option for Amendment 5. He suggested that the Committee focus on some of the options described by the PDT in Appendix D (p. 36 of the Draft Bycatch Caps Discussion Paper).

1A. MOTION TO SUBSTITUTE: JOHN PAPPALARDO/JIM FAIR

To include in Amendment 5 the establishment of a river herring catch cap in the directed Atlantic herring fishery. The catch cap would provisionally be based on the best available estimate of recent catch history (1, 3, or 5 year window) and then replaced by a cap based on a coast-wide stock assessment for river herring. When NMFS Regional Administrator determines that the directed Atlantic herring fishery has reached 95% of the river herring cap (projected), the directed Atlantic herring fishery would be closed for the season. Any overage would be deducted from the cap for the following year. The directed Atlantic herring fishery would be defined in the same manner as that used for management of Atlantic herring quotas (closure would apply to vessels issued Federal permits for Atlantic herring and would mean they may not fish for, catch, possess, or land more than 2,000 pounds of Atlantic herring)

Additional Discussion on the Motion to Substitute: Herring Committee members discussed the intent of the motion to substitute and the rationale for the motion. Ms. Tooley and Mr. Stockwell both expressed concern about the potential for catch cap options to increase the workload and delay the amendment. Ms. Tooley felt that this is not a direction the amendment should take, especially given the Herring PDT consensus statement. Mr. Stockwell emphasized that he could not support the motion without consideration of gear types and areas. Mr. Mahoney expressed support for the motion and felt that catch caps are necessary to make the other measures to address bycatch in the amendment more effective. Mr. Moore suggested that the Committee wait and consider information about the Sustainable Fisheries Coalition bycatch avoidance program before developing options for catch caps at this time. Mr. Ellenton and Mr. Kaelin expressed opposition to the motion and urged the Committee to support the original motion. Mr. Brogan expressed concern that without catch caps, there may not be an adequate range of management measures in the amendment to minimize bycatch and comply with National Standard 8. Mr. Stockwell stated that he supports accountability measures and expressed interest in discussing the measures to apply to river herring hotspots. Ms. Tooley encouraged the Committee to consider information about the SMAST/SFC bycatch avoidance program prior to voting on the motion.

Mr. Moore expressed opposition to the motion, noting that all vessels would be accountable because they would be in the SMAST/SFC bycatch avoidance program and reporting daily, which would ultimately produce a 2 year census. Ms. Peters Mason clarified that the 95% of the river herring catch cap would be a projected number, and suggested that the motion be crafted as a framework placeholder for a cap when more information becomes available. Mr. Crawford and supported the motion because the best estimates of catch history would be used, with better information replacing it through a stock assessment. Ms. Decas stated that the port of New Bedford would not support the motion, as it would take jobs from the fishery. Other AP and audience members also did not support the motion, and noted that the SFC/SMAST bycatch avoidance program would address many of the issues behind the concept of a catch cap. Ms. Tooley expressed concern that the estimates had high variability associated with them and urged the Committee to consider these issues more thoroughly. Mr. Fair and Mr. Blount felt the option needed to be in the document out of obligation to the Council and Mr. Weiner felt that the uncertainty in the data would be the reasoning behind the caps.

MOTION #1A TO SUBSTITUTE FAILED 3-4-1.

MAIN MOTION #1 BACK ON THE TABLE

Recommend that catch cap measures be placed in the “Considered but Rejected” section of Amendment 5

2. MOTION TO TABLE THE MAIN MOTION (#1) UNTIL THE AFTERNOON SESSION: JOHN PAPPALARDO/FRANK BLOUNT

Additional Discussion on the Motion: Mr. Blount asked if there were a way for a percentage of the cap to trigger the closure of hotspot areas. Ms. Tooley noted that those concerns would be addressed later in the schedule.

MOTION #2 CARRIED 5-4 WITH THE CHAIRMAN VOTING TO BREAK THE TIE.

Discussion of Spatial Management Alternatives to Address River Herring Bycatch in the Atlantic Herring Fishery

Jamie Cournane presented an overview of the Herring PDT’s recommendations for streamlining the management measures to address river herring bycatch, particularly the approach that identifies a series of river herring hotspots and considers a range of management alternatives to apply to the hotspots. The intent of the streamlining is to better link the configuration of the river herring hotspots to the goals of the management program. Different hotspot configurations may be appropriate to consider for different management goals/objectives. Consequently, reconfiguring the river herring hotspot alternatives and associating them with more specific management objectives would provide an opportunity to streamline the management options that may apply to each of the hotspot alternatives. This will help create more complete management alternatives and simplify the document. It also lends itself to developing management alternatives that may be more feasible from an administrative, enforcement, and compliance perspective. The spatial alternatives under consideration in Amendment 5 relate to three general management goals – river herring monitoring, river herring avoidance, and river herring protection. While alternatives can be developed that address more than one of these three goals (for example, protection and monitoring could be combined/addressed in one management

alternative), the management options under consideration can be generally categorized in a manner that is consistent with these spatial alternatives.

The Committee discussed the Herring PDT's recommendations and expressed general support for the approach, recognizing that each alternative (monitoring, avoidance, protection) should be revisited so that additional details can be discussed. Several Committee, Advisory Panel, and audience members asked related questions and generally discussed the approach. Ms. Cournane clarified that the hotspot areas suggested by the PDT for each of the three alternatives were simply examples for the Committee to consider, but they do link directly back to the Amendment 5 hotspot alternatives and the criteria previously selected by the Committee to identify the areas. Mr. Kaelin expressed concern about using a threshold as low as 40 pounds from the observer data to identify hotspot areas, and Ms. Tooley questioned the enforceability of some of the hotspot configurations. Ms. Steele encouraged the Committee to first determine whether the spatial approach suggested by the PDT is favorable; then, the configuration of the hotspots within each of the alternatives can be considered relative to compliance, enforceability, and the management alternatives that may apply.

Following some discussion of Ms. Cournane's presentation, the Committee and Advisory Panel received a presentation from Dave Bethoney (SMAST) regarding the current river herring bycatch avoidance program, a collaborative effort between SMAST, MA DMF, and the Sustainable Fisheries Coalition (SFC). The bycatch avoidance program has been funded by NFWF and is scheduled to run through most of the 2011 and 2012 fishing years. SMAST will be coordinating the flow of information about river herring bycatch (through vessel communication and portside sampling) to develop a database to better predict the likelihood of river herring bycatch events, and to help the industry develop bycatch avoidance strategies. Mr. Bethoney indicated that SMAST hopes to begin communications with the fleet during January 2011. The Committee and Advisory Panel members asked several questions, and Mr. Bethoney took some time to describe how data were examined to determine the best strategies for reducing bycatch (i.e., eliminate top 10% of bycatch events).

After further discussion regarding both presentations and the management measures to address river herring bycatch, Ms. Steele encouraged the Committee to start by determining if it supports the spatial management approach suggested by the Herring PDT.

3. MOTION: MARY BETH TOOLEY/TERRY STOCKWELL

To restructure the measures to address river herring bycatch based on the Herring PDT recommendation for the spatial management approach proposed on p. 2 of the December 16, 2010 Memorandum from the Herring PDT Chair

Additional Discussion on the Motion: Ms. Tooley and Mr. Stockwell expressed support for the recommended approach, but Mr. Stockwell noted that he is not comfortable using statistical areas to identify hotspots. Ms. Steele urged the Committee members to identify the hotspots associated with each of the three management alternatives (monitoring/avoidance/protection) if the motion to adopt the approach carries. Ms. Tooley emphasized that the motion only refers to the first two columns of the table on p. 2 of the December 16 memo, i.e., identification of the three alternatives, and that it was her intention to revisit the management options within each of

those alternatives following this motion. Ms. Steele clarified that this motion does not eliminate anything from the document; this motion restructures the measures currently in the document, but she added that the Committee should revisit the measures as well.

MOTION #3 CARRIED UNANIMOUSLY.

Motion #3 indicates that the Herring Committee supports the structure for the river herring management measures that is described in the December 16 Herring PDT memo. The Committee then walked through each of the three restructured alternatives (monitoring, avoidance, protection) and discussed the approaches for identifying the hotspot areas associated with them. During the discussion of the monitoring alternative, Ms. Tooley expressed significant concern that the approach for identifying monitoring areas results in almost all herring fishing grounds becoming herring monitoring areas. Mr. Stockwell expressed similar concerns and wondered if increasing the threshold from 40 pounds could better streamline the monitoring areas. Ms. Steele emphasized that the Committee can select any configuration of areas it determines to be appropriate for each of the three alternatives. She noted that the Herring PDT has provided a technical framework to base the identification of hotspots and that maps have been provided to the Committee by statistical area, quarter degree square, and season, including VTR data, observer data, and NMFS bottom trawl survey. She strongly encouraged the Committee to use the information provided by the Herring PDT to identify the hotspot areas that would be associated with each of the spatial alternatives. She also suggested that the Committee could incorporate some less onerous monitoring options into the monitoring alternative (versus a requirement for 100% observer coverage, for example).

4. MOTION: TERRY STOCKWELL/MARY BETH TOOLEY

To approve the monitoring areas for inclusion in the document but substitute 129 pound threshold for the 40 pound threshold

Additional Discussion on the Motion: Mr. Stockwell noted that while he was not entirely supportive of the motion, it was intended to initiate Committee discussion. Ms. Steele referred the Committee to the previous hotspot Alternative 2, as the configuration is consistent with the motion. She also noted that the motion does not appear to make much difference in terms of the areas identified for monitoring.

Ms. Tooley wondered if the Herring PDT can refine areas for the monitoring alternative based on the Committee discussion and the general observations about the fishery. Ms. Steele stated that at this point, the PDT has completed the analysis requested by the Committee and that it is the Committee's responsibility to use the information to develop the management alternatives, including the monitoring areas. She reminded the Committee that the Council identified river herring bycatch as an important issue to address in Amendment 5.

AFTER A BREAK, MOTION #4 WAS WITHDRAWN BY ITS MAKER.

5. MOTION: TERRY STOCKWELL/RODNEY AVILA

To remove the Monitoring Alternative from the Measures to Address River Herring Bycatch

Additional Discussion on the Motion: Mr. Stockwell suggested that the Committee/Council should develop a catch monitoring program that is adequate to monitor the entire fishery, thereby reducing or eliminating the need for river herring monitoring areas. If additional monitoring measures are to be implemented for river herring, he suggested that the areas be more focused, consistent with the areas proposed in the avoidance alternative. He also supported further consideration of avoidance measures in these areas. Mr. Pappalardo expressed concern about this approach. Several Committee and Advisory Panel members asked clarifying questions, and the Committee discussed the motion further.

Mr. Kaelin suggested that since most of Area 2 is included in hotspots, the Committee could consider a monitoring program for the Area 2 fishery instead of defining hotspots. He also expressed support for applying river herring management measures to Category D permit holders and requiring all Category D permit holders to use VMS in this fishery. The Committee discussed the applicability of these measures to Category D herring permit holders and agreed that different category permit holders may be treated differently in the amendment when the final management measures are selected.

MOTION #5 CARRIED 5-0-1.

6. MOTION: TERRY STOCKWELL/RODNEY AVILA

To add the measures in Section 5.2.1, 5.2.2 (100% coverage, Closed Area I provisions) from the Draft Amendment 5 Discussion Document to the management options for the River Herring Avoidance Alternative

Additional Discussion on the Motion: Mr. Stockwell again emphasized the need to focus on developing a robust catch monitoring system for the entire herring fishery in this amendment. The catch monitoring program should then provide the incentive to move forward with a program to address the river herring goals. Until then, he felt that the Council could consider additional monitoring provisions in the river herring avoidance areas. Mr. Pappalardo asked a clarifying question. Ms. Steele clarified that this motion would not eliminate the options for avoidance (move-along rules, etc.), but would add the monitoring options (100% observer coverage, Closed Area I provisions) to this alternative so that those options could be considered in the areas identified as avoidance areas.

MOTION #6 CARRIED 5-0-1.

Following Motion #6, the Committee Chairman urged the Committee to complete the day's business before there is no quorum. Ms. Steele suggested that the Committee clarify whether the measures in Amendment 5 that are proposed to be consistent with the Closed Area I sampling provisions should be updated to reflect changes to the provisions (November 30, 2010). Ms. Tooley suggested that both options be retained in the document, while Mr. Fair suggested that the amendment be based on the most current regulatory language.

7. MOTION: JIM FAIR/NO SECOND

To use the current regulations for any reference to Closed Area I provisions in the Amendment 5 document

MOTION #7 FAILED FOR LACK OF A SECOND.

Mr. Pappalardo suggested that the Council clarify the intent with respect to measures that are based on the Closed Area I provisions prior to approving the range of alternatives for the Draft EIS.

The Chairman asked the Herring Committee to provide some guidance to Council staff regarding the criteria for selecting the river herring avoidance areas as well as the management options that may apply to the river herring protection alternative. Ms. Tooley suggested that Council staff re-draft the Sustainable Fisheries Coalition (SFC)/SMAST program into a two-phase river herring bycatch avoidance program that can be established in Amendment 5, as suggested during the meeting by Council staff. Mr. Fair also expressed support for the further development of this management approach. The Committee agreed that this option should be redrafted and included in the river herring avoidance alternative. The Herring Committee took no action regarding the proposed move-along rules in the Amendment 5 Discussion Document.

The Herring Committee/Advisory Panel meeting adjourned at approximately 5:30 p.m..



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FINAL MEETING SUMMARY

Herring Committee Meeting

Sheraton Harborside Hotel, Portsmouth NH

November 30, 2010

The Herring Committee met on November 30, 2010 in Portsmouth, New Hampshire to: review, discuss and develop recommendations for Proposed Adjustments to the Fishery Management Plan; review and discuss objectives for the portside sampling program and identify sampling priorities; review/discuss portside sampling program design and develop options for coverage levels; review and develop recommendations for the alternatives for verifying self-reported landings; discuss catch monitoring funding options and develop recommendations.

Meeting Attendance: Doug Grout, Herring Committee Chairman, Sally McGee, Frank Blount, John Pappalardo, Mike Leary, David Pierce, Mary Beth Tooley, Mark Gibson, Rodney Avila, Terry Stockwell, Glenn Libby, Jim Fair; Erling Berg and Howard King (MAFMC); Lori Steele and Talia Bigelow, NEFMC staff; Carrie Nordeen, Hannah Goodale, Lindsey Feldman, and Aja Peters-Mason (NOAA NERO); Matt Cieri, ME DMR; Jamie Cournane (ED/UNH); Chris Vonderweidt, ASMFC Staff; Dave Ellenton, Herring Advisory Panel Chairman; Chris Weiner, Jennie Bichrest, Jeff Kaelin (Sustainable Fisheries Coalition), Herring Advisory Panel members; Steve Weiner, Jud Crawford (PEW), Roger Fleming (Earth Justice), Patrick Paquette, Gary Libby, and several other interested parties.

As the meeting started, Ms. Goodale made an announcement regarding NMFS' re-publication of rulemaking for Closed Area I (CAI), which proposes to eliminate the fourth exemption for operational discards. Ms. Tooley voiced concern that the industry had submitted comments which explained how difficult the new rule would be to follow. Mr. Stockwell, on behalf of the state of Maine, thanked the National Marine Fisheries Service (NMFS) for the help in re-opening Area 1A, to ensure that the quota was taken. Ms. Steele gave the Committee a brief overview of the Herring PDT work that had been done since the last meeting. Much of the PDT's work has been focused on analyses related to the management measures under consideration to address river herring; this work will be the subject of discussion at the December 20 Joint Herring Committee/Advisory Panel meeting.

Overview of the Amendment 5 Document Restructuring

Ms. Steele presented a summary of the new structure of the Draft Amendment 5 Discussion Document. A more in depth look at the catch monitoring alternatives and potential portside priorities pertinent to the day's discussion was also provided. Several issues were discussed by the Herring Committee and audience members following the overview:

- Mr. Avila asked if the portside sampling coverage levels could be designated as a range, rather than a fixed value. Ms. Steele answered to the affirmative, but noted that the Committee would need to provide enough guidance for the PDT and Northeast Fisheries Science Center (NEFSC) to determine the annual sampling design and know how samplers would be deployed.
- Ms. Goodale explained the Northeast Regional Office's (NERO's) intent to propose rulemaking during 2011, which would potentially require daily or trip-based catch reporting through VMS. As these changes are under consideration in Amendment 5, she clarified that the adjustments would then not need to be made in the amendment, but that the status quo would need to be changed, if the Committee was satisfied with the NERO rulemaking.
- Mr. Pappalardo requested that a full description of the status quo for at-sea and the portside sampling programs be placed in the Amendment 5 document by the January Committee meeting. Council staff agreed.
- Mr. King questioned if the SSC would be in a position to comment on the percentage of coverage that may be meaningful for the portside sampling program. Ms. Steele described the PDT's previous work on the matter and its recommendation that a different approach be taken to determining the level of coverage for a portside sampling program, such as the one under consideration. She also clarified that the Council can request input/feedback from the SSC on any fishery management issues if it chooses to do so in the future.
- Dr Pierce clarified that the State of Maine portside sampling program addresses more than was stated in the draft Amendment 5 document, i.e. not just bycatch, catch composition, and biological data. He suggested that the description of the program be updated in the document to provide more detail.
- Ms. Goodale noted her concern about the amendment proposing to create a new program (i.e., portside sampling), and the lack of design of the new program. It would not be sufficient, she also noted, to simply state program objectives and then leave it to NMFS to determine the manner in which to achieve the objectives. She also questioned if the Committee had considered funding issues as well. She suggested that the Committee consider the groundfish portside sampling program as an example.
- Ms. Steele asked whether it would be a valid assumption that NMFS would oversee the portside sampling program if the amendment were to propose its establishment as a federal program. Ms. Goodale noted that the current observer program has some data which comes through the Agency, but that it has service providers and the money does not move through the Agency, and that the current draft amendment document would need to establish how the flow of data and money would move. Ms. Steele asked if the Agency would be willing to receive the calls from the vessels and let them know which vessels needed to be sampled, as with the current observer program. Ms. Goodale answered negatively, and explained that it

would need to be stated clearly in the amendment so that vessels or service providers would know who needs to be sampled.

- Mr. Pappalardo gave some examples of the benefits of a portside sampling program, such as verification and monitoring of landings, the identification of river herring in the catch, perhaps the definition of river herring hotspots, and vessel fishing times and areas where fish would be known to be spawning. He suggested that the Committee define what value could be derived from the portside sampling program, in order to guide the next step of defining what areas and times portside samplers would be needed.
- Mr. Libby pointed out that some spawning questions could be answered through a portside sampling program if samplers were to be directed to look for spawning condition.

Proposed Fishery Management Program Adjustments

Ms. Steele provided the Committee with a brief overview of changes that had been made to the document, starting with Section 2.0 (Proposed Adjustments to the Fishery Management Program, which includes changes to vessel trip reporting (VTR) and interactive voice response (IVR) reporting. At Mr. Pappalardo's request, Ms. Nordeen described the process of attribution of catch that is offloaded from carrier vessels. She noted that NERO suggested that the information come from the harvesting vessel, and that the information needs to be transferred in a manner that does not attribute the catch to the carrier, but also noted that there still may be some recommendations that needed to be discussed by the RO further.

1. MOTION: TERRY STOCKWELL/JIM FAIR

Eliminate the first option for the regulatory definition of transfer at sea (Section 2.1.1, option that is crossed out) from further consideration

Discussion on the Motion: None.

MOTION #1 CARRIED UNANIMOUSLY.

Mr. Pappalardo stated his concern that the chain of custody for documentation was not clear for catching, transferring and carrying herring in the draft document. Ms. Tooley agreed with the concern, and added her own that double counting had been a problem in the past and that the incentive would be for catcher vessels to account for all fish. Mr. Kaelin asked that in future drafts a description of the status quo for reporting requirements for carrier vessels be provided. Ms. Steele agreed to develop a detailed description of the status quo for the January Discussion Document.

Ms. Tooley pointed out that States may have difficulties complying with some of the requirements for portside sampling service providers, and questioned if they should be certified as they operate currently. She also noted her concern over how the program will function on remote island communities. Dr. Pierce stated that it was not the intent of the States to be designated as service providers, and that they may not be willing to live with the requirements; he also referenced a letter from Mr. Howard which requested that the programs be expanded on their own. Ms. Steele clarified that the States would need to be consistent with the sampling program that becomes specified in the amendment, and Dr. Pierce noted that if the amendment were to require more funds and services from the States, then they may have to fall away as a

service provider. Mr. Pappalardo agreed that the States may not meet the requirements that become finalized in Amendment 5, and noted that the letter from Mr. Howard was not intended to approve all that the states as automatically qualified. He acknowledged the States role in providing information for and to the proposed program, but wanted to be clear about the expectations for a service provider.

Mr. Stockwell disagreed, and felt that allowing States to be service providers would be appropriate, as staff and time were not likely to be allocated to do the wrong job. Ms. Tooley agreed with Mr. Stockwell, and did not want to have to complete another amendment in the future to exempt the States from the requirements that could not be met. Ms. Steele clarified that the intent of a consensus would be to allow the states to be service providers, consistent with the amendment, with the details to be decided upon later. Dr. Pierce commented that it seemed odd that the States, which are already providing a portside sampling program, should be qualified to continue doing what they have been doing. He also suspected that due to the States being the only source of funding, the industry would end up having to turn to the States for help in meeting the requirements of the amendment.

The Committee agreed by consensus that States can be authorized as service providers for the sampling program as it is specified in Amendment 5, and that the criteria proposed in the Amendment 5 Discussion Document would be for additional (private) service providers. Any major problems that the ASMFC Technical Committee and the PDT encounter upon reviewing the service provider requirements are to be communicated to the Committee and Council at a later time.

Ms. Tooley suggested that the Committee consider the island communities and remote areas where fish may be delivered. The requirement for a party to be independent from fishing related activities and able to deploy a sampler anywhere, at any time may be difficult to meet on some islands where a ferry only runs to the island once a month.

Changes to Open Access Permit Provisions for Mackerel Vessels

Mr. Grout pointed out the staff recommendation in the document that all the options in the section "Changes to the Open Access Permit Provisions for Mackerel Vessels in Areas 2/3" be linked to vessels that have a Limited Access mackerel permit for consistency with the Mid Atlantic Fishery Management Council (MAFMC) actions. Ms. Tooley noted that the MAFMC had approved the mackerel limited access program already, but that the amendment had not been submitted to the NMFS, and suggested that trimming the options would be pertinent if many vessels are going to be involved.

2. MOTION: MARY BETH TOOLEY/HOWARD KING

Eliminate Section 2.5.2 from further consideration and link the option 2.5.4 to possession of a limited access mackerel permit, with acknowledgement that different mackerel permit holders (tiers) may be treated differently

Discussion on the Motion: Ms. Peters-Mason clarified that in Tier 1 (unlimited pound limit) 29 vessels would qualify, in Tier 2 (135,000 pound limit) 45 vessels would qualify, and in Tier 3 (100,000 pound limit) 329 vessels would qualify, and that the Open Access permit had a 20,000

pound limit. Ms. Steele questioned how many of the aforementioned vessels didn't qualify for a herring permit, and didn't try because they were waiting to hear the outcome of the MAFMC measures. She noted that linking would decrease the universal pool to a limited number. Mr. Berg noted that a lot of the 329 Tier 3 vessels were historical participants from New Jersey to North Carolina in the 1980's and 1990's.

Ms. Tooley pointed out that the intent would not be to create incentives for directed fishing for herring in Areas 2 and 3, but for mackerel vessels to not discard herring when the species are mixed. Dr. Pierce clarified that no mackerel were required to be on board a vessel if herring were being landed, and expressed concern that vessels may direct fishing on herring for the 20,000 pound limit, as it could also be of concern for river herring bycatch. Mr. Kaelin expressed support for the motion, as it was consistent with the mackerel measures. He also voiced similar concerns to Ms. Tooley and Dr. Pierce about providing incentives for directed fishing. Ms. Tooley recommended that the language in the amendment be different for the differing Tiers, based on what the data show to be reasonable catch limits, but suggested that the language could wait until more information emerged.

MOTION #2 CARRIED UNANIMOUSLY.

Ms. Steele pointed out one minor issue that requires clarification in the section for Trip Notification Requirements (Section 2.3). She explained that the way the option was worded, a pre-trip notification would have to be done at least 18 hours prior to a trip, which the Committee had decided upon to be consistent with the scallop notification measures. She further explained that it used to be a 72-hour notification period, and that the observer program would prefer that timing to the current 18-hour notification, and proposed that timing for the measures being considered. Ms. Tooley asked for clarification of the language so that multiple trips could be called in at one time.

Sampling Priorities for the Portside Sampling Program

Ms. Steele referenced the Committee to a few suggestions for sampling priorities for the portside sampling program within the draft Amendment 5 document to begin the discussion (p. 49):

1. Sounding the fish holds to provide a third-party estimate of total landings;
2. Sampling/sub-sampling offloads to estimate species composition and amount of landings (complete sampling of offloads should be conducted when possible);
3. Sampling landings on trips with at-sea observers on board (to increase the number of trips with both observers/portside samplers – to address the fourth objective of the catch monitoring program);
4. Sampling landings on trips subject to catch caps (to provide a cross-check of catch cap monitoring data);
5. Collecting commercial catch samples to support stock assessments;
6. Collecting commercial catch samples to evaluate spawning condition

The Committee made several comments in response:

- Ms. Tooley thought sample priority #5 should be identified as the top priority, as the State of Maine was already meeting the objective, and raised concerns that if the funding is removed from the state in the future, the sampling may not continue, which could compromise stock assessments. Mr. Stockwell agreed and wanted to add sample priorities #2 and #5 to the top of the list for service providers, although they were already being met by the States. Dr. Pierce also agreed and thought sample priority #3 should be second, because of the potential for the herring fishery to be managed through caps, and the importance of knowing when the fishery will be shut down.
- Ms. Tooley questioned whether sample priority #6 should be identified at all, as service providers may not be able to take fish to a lab to determine spawning stage. Ms. Steele reminded the Committee that the priorities were suggestions, and could be combined or removed. Mr. Grout asked if the samples could be sent to the State of Maine, where the evaluation of spawning condition is typically conducted. Dr. Cieri expressed concern about the chain of custody of the fish if Mr. Grout's suggestion was to be adopted, questioning how it would be known that the fish were sampled correctly by the third party and noting the importance of fresh samples. He then described the sampling and evaluation of the spawning condition; first the fish are cut open and identified by ICNAF stage, then the gonad is identified as male or female, then it is removed from the body and weighed separately for a gonadal somatic index; the process requires a lot of work that has to be done in a laboratory setting. He noted that the fish could not be frozen because of the weight and length of the fish could be compromised, and the staging could not be done correctly.
- The Committee agreed that the phrase "at first point of landing" should be added back into Section 4.5.1 to address fish being landed in various locations.
- Mr. Pappalardo expressed concern that the focus should be on linking more portside and at-sea monitored trips and catch monitoring (resolution and quality of data). He noted that portside sampling should be directed based on those purposes of the amendment at large, and that if sample priorities #2 and #3 were the focus, then stock assessment information would follow. Dr. Pierce disagreed, and thought the goal was to develop the amendment and ensure compliance, with compliance bringing the amendment beyond catch monitoring and into issues of the status of the stock. Dr. Cieri explained that the recent awarding of ACCSP funds for 2011 would mean that one person would have the objective of overlapping approximately 120 trips between observer and portside sampling that year as a priority for the State of Maine and ACCSP.

3. MOTION: MARY BETH TOOLEY/TERRY STOCKWELL

That Priorities #5, #2, and #3 be the top tier for portside sampling (Section 4.3.1, p. 49), and that priorities #1, #4, and #6 be a second tier

Discussion on the Motion: Ms. Tooley clarified that the intent of the tiers was to set funding priorities and that if protocols needed to be developed, sampling priority 6 should be removed. Mr. Avila felt all the priorities should be focused on, and Mr. Stockwell, Mr. Libby, and Mr. Weiner agreed. Ms. McGee brought up the issue of prioritizing those trips without an observer on board for the portside sampling program, as it was considered in groundfish, and asked if that approach should be taken with the herring fishery. Mr. Pappalardo disagreed with Ms. McGee

because in groundfish the information is extrapolated, which is the reason for the prioritization. He also did not support the motion, as his concern was with spawning fish in Area 3. Mr. Crawford also expressed concern over the spawning fish, and noted that observers would not be needed if the herring were ripe and running.

MOTION #3 FAILED UNANIMOUSLY.

Ms. McGee inquired what the information from the portside sampling would be used for, besides a cross check. Dr. Cieri responded that the information could be used to develop a catch-at-age matrix, to evaluate spawning condition and noted that if in the future a cap was set, it could be used for monitoring. He also clarified that the advantage of portside sampling for herring, as opposed to groundfish, was that herring are not sorted on board the vessels like groundfish, and so what is in the hold of the herring vessel would be a good representation of what may have been in the net.

4. MOTION: TERRY STOCKWELL/JIM FAIR

That the portside sampling priorities in Amendment 5 be identified as:

- Providing a third-party estimate of total landings
- Sampling/sub-sampling offloads to estimate species composition and amount of landings on trips with at-sea observers on board
- Sampling/sub-sampling offloads to estimate species composition and amount of landings on trips subject to catch caps
- Collecting commercial catch samples to support stock assessments
- Collecting commercial catch samples to evaluate spawning condition

Discussion on the Motion: Mr. Kaelin questioned what the issue was with self-reported landings, and noted that the fishery was required by law to report accurately. He also pointed out that predetermining trips to be selected could lead to skewed data and results. Ms. Steele noted the Mr. Kaelin's last point highlighted the need for NMFS oversight of the portside sampling program, and that if trips were not pre-determined, then vessels would not have a way of knowing if they needed to be sampled or not. Dr. Pierce agreed with Ms. Steele, citing section 4.3.2 of the document, and suggested that after the Council decided on the measures for portside sampling, NMFS would need to respond with what measures would not work for them in order to whittle the options down.

Ms. Goodale disagreed, and explained that once the priorities had been set more details of the program would need to be decided upon, such as where the information will be destined. She suggested that a service provider could be in charge of knowing which vessels need to be sampled and that although catch monitoring information may come to NMFS, the spawning information may have to go elsewhere. Ms. Steele questioned how a Federal program could be implemented in a Federal management plan without Federal oversight.

Dr. Cieri described the portside sampling program for Maine: one person is in charge of sampling the entire coast between Maine and South Carolina, another does the aging, and Dr. Cieri does the analysis of the data. The sampling priorities are set at two samples per gear type per statistical area per month. Spawning closure information is the sampling priority for the State of Maine, with stock assessment information coming in second, and bycatch being third.

Mr. Pappalardo summarized his understanding of the issue, noting that the NEFSC did not do the work, as he initially thought, but that the States of Maine and Massachusetts did. He further summarized that NMFS was hesitant to administer the program because it would add a responsibility to the Center that would require more personnel and a new program. He suggested that after voting, the Committee consider who would administer the program. Mr. Blount noted that the Council could not require NMFS to do anything, and Mr. Stockwell noted that the goals being set in the motion did not require NMFS to be involved.

MOTION #4 CARRIED 12-0-1.

Mr. Stockwell suggested that the Committee flag Section 4.3.2 and come back later and determine how to handle rural communities, as the measures to address them were not realistic.

Coverage Levels for the Portside Program

Mr. Grout suggested that the Committee had already determined the objectives, and that the next step would be to address the coverage levels of the program to meet the objectives, and finally to come back and address where the data will go and who will oversee the program. He also asked if the current sampling design and coverage levels used by the States would be sufficient for the federal program and described that the States don't look at percentages, but try and get a certain sample from each strata (area, gear type, location). Mr. Pappalardo recalled a presentation from the last Committee meeting that demonstrated the differences between accuracy and precision and the percentage of coverage rates needed to achieve certain CVs, and suggested that approach to setting coverage levels. Mr. Grout noted that due to variability, even if the sample size was set for a precision level, that level might not be attained. He noted that, at best, that technique created a goal to shoot for, but that 100% coverage still may not attain the goal. Ms. Steele suggested that the priorities that were established in the last vote did not call for that sort of sampling design, and explained the PDT's objections to the approach.

Mr. Grout recommended a holistic approach that did not focus on a specific species, but on a broad based catch monitoring program. Mr. Pappalardo disagreed, and felt that the broader view would occur with the at-sea monitoring, and that the portside program would address very specific management and data issues. Mr. Stockwell agreed with Mr. Pappalardo, as both programs would address separate issues, but thought the objective of portside sampling program should be to go beyond specific species to a robust monitoring program for Atlantic herring. This would involve monitoring what was landed and when, with the added benefit of monitoring river herring and haddock bycatch as well as spawning conditions, while maximizing affordability and taking the most advantage of available funds.

Dr. Cieri pointed out that the at-sea monitoring had already covered the SBRM methodology, and suggested a portside sampling program that would target a general sampling of the fishery, including age, length, spawning condition, and bycatch. The objective would be to use the portside sampling as a tool to direct the at-sea sampling by observing catch and focusing at-sea coverage in response. Mr. Pappalardo was not comfortable with Dr. Cieri's approach without understanding the at-sea monitoring program better. Mr. Stockwell was not comfortable with picking any numerical coverage levels without further guidance from the NEFSC and the PDT, and Ms. Tooley agreed, but noted that the Committee may not have given the PDT enough guidance on whether the objective was precision or accuracy.

Mr. Pappalardo requested more information on option 4.4.2, and Ms. Steele clarified that the PDT was not comfortable with recommending that a certain percentage would yield a specified amount of precision. In order to produce the percentage, the catch was going to have to be extrapolated, and the variability made PDT members wary of doing it, and therefore a portside sampling level of coverage for landings was not sufficient. She explained that the two options in the draft document at that time would be infeasible for portside sampling levels, as the PDT would not be able to specify levels of coverage. Mr. Grout noted that the results of the PDT sounded like a research recommendation, with sampling in both the at-sea and portside programs continuing. He suggested that until such time that the Technical Committee and scientists can come up with future recommendations, a broad based sampling program would be best.

Ms. Steele explained that the larger CVs that prevented the PDT from making a recommendation were a result of sampling issues associated with a high volume fishery, in which observers were taking basket samples and extrapolating. She suggested that portside sampling could be used as a tool to better understand that variability and use the new data to extrapolate. Mr. Pappalardo pointed out that the Committee was not in position to receive advice because of the lack of baseline in the data and funding issues. He also noted the uniqueness of the fishery and the complications with monitoring it at-sea; if a scientific justification was not utilized to make the decision, then the committee was acting based on policy alone. Mr. Stockwell felt that the Committee was being requested to make arbitrary and capricious decision on target levels.

5. MOTION: TERRY STOCKWELL/RODNEY AVILA

To have percentage-based (landings events) options for portside sampling coverage target levels – 10%, 25%, and 50% (to replace the option in Section 4.4.2)

Discussion on the Motion: Mr. Pappalardo clarified that the motion would apply across all fishing areas. Ms. Tooley asked if the percentages would be of landed weight or of landing events, and suggested that percentages of landed weight would yield more information. Mr. Stockwell informed the Committee that he meant percentages of landing events, to achieve an estimate across all gear types. Mr. Avila inquired if small landing events of river herring would be unchecked, as most are caught in smaller landing events. Ms. Tooley suggested that to achieve that monitoring it would be better to calculate the percentage based on the weight that is observed, not the number of events observed.

Dr. Cieri explained that there was not enough coverage at the time to determine which level of coverage would achieve the desired goals, and suggested that, with time, the different types of strata (gear types, quarters, etc) to be targeted could change as more data was collected. He also suggested an initial designation of the number of trips to be sampled in a year.

MOTION #5 CARRIED UNANIMOUSLY.

The Committee discussed if criteria for trip selection were needed, due to the broad based sampling program across the fishery, and the issue of administration was again raised. Ms. Goodale clarified that some portions of the program may be able to be piggybacked on existing functions within NERO, and that NMFS was not asking vessels to self-identify for the portside sampling program, but that if a measure was clarified, the vessel could be able to know if they are in the right area to be met by a portside sampler. She also clarified that NMFS would not commit to deciding on administration until the portside sampling measures were close to being finished, especially if the only guidance was something like a 25% portside sampling coverage level. She suggested that the sampling design could be developed between the PDT and NEFSC personnel, and that communication did not necessarily have to be channeled through NMFS via VMS or call-ins. Mr. Pappalardo suggested that a NEFSC representative should be present to clarify responsibility for trip selection criteria. Ms. Steele expressed concern with the PDT making coverage level determinations once a year. Dr. Cieri pointed out that one strength in the portside sampling program would be the random and by-surprise nature of sampling, as it would remove the observer effect, and noted that if advanced notice were to occur, the coverage levels may need to be adjusted.

6. MOTION: TERRY STOCKWELL/GLEN LIBBY

That the priorities for trip selection be

- Trips in river herring hotspots
- Trips in groundfish closed areas
- Trips with landings that will count against a catch cap
- Trips with observers on board

Discussion on the Motion: Mr. Stockwell clarified that although random selection would be a good idea, the four issues identified in the motion had been the main focus of the measures since the beginning. Mr. Weiner thought that sampling would be needed in other areas than specified in the motion, when there was no coverage at-sea.

MOTION #6 CARRIED 8-3-0.

Verification of Self-Reported Landings

Ms. Steele provided the Committee with issues pertaining to the verification of self-reported landings section that still needed to be addressed in the draft document, including questions about the focusing of resources and oversight of the results of the measures in relation to the goals and objectives of the section.

7. MOTION: TERRY STOCKWELL/RODNEY AVILA

To Eliminate Alt 2/Option 1 (Section 4.5.2.1), and Alternative 3 (Flow Scales)

Discussion on the Motion: Ms. Tooley supported the motion, noting the difficulties in weighing trucks. She felt that the measure was not feasible, although it was a good option to explore. Ms. Steele noted that the measures in this section would not replace any incoming information, but would provide a cross-check for dealer reporting and IVRs. Ms. Tooley explained that dealer weights were obtained by volumetric measurement historically, and that although the units had changed, sealing of the holds has been and would be a way to provide uniformity across the fishery. Mr. Libby disagreed with the motion, and felt that bait trucks should be measured instead of fish holds on vessels. Ms. Bichrest supported the measure, and suggested that the industry continue to work on development of measures to volumetrically certify trucks, such as certifying tanker and box trucks while certifying a standard container to be used on flatbed trucks for bait. In that way, all trucks could be volumetrically certified in some way.

MOTION #7 CARRIED 10-0-1.

The Committee discussed the unit of measure to be used to volumetrically certify boats and trucks, and clarified that the intent would be to standardize weights across the fishery. Ms. Bigelow explained that conversion factor needed to be chosen to change a volume into a weight, related to the weight of this fish, such as the standardized unit in the State of Maine known as a hogshead. Ms. Tooley requested more information on the reasoning behind the conversion factors, and suggested that the Department of Weights and Measures in Maine be contacted to determine if the conversion factor for hogsheads was determined when the fishery was focused on sardines. Dr. Cieri pointed out that a conversion factor could vary by + or - 20% based on the feeding habits of the fish at that time.

Mr. Paquette felt that the question of how the measurements were currently done and how to do them independently should be answered by the Advisory Panel. Mr. Kaelin noted that the unit of hogshead had been used for many years, and that volumetric measurement was historical averaging. Ms. Tooley pointed out that vessels in the State of Maine were already measuring and had their vessels sealed and certified using hogsheads.

Dr. Cieri noted that the concern was over bias in the data and continued under or over reporting. Mr. Stockwell expressed concern that the volumetric measurement used in holds was not the issue, it was having a common conversion to pounds, and recommended that the Committee use hogsheads. Ms. Tooley agreed with Mr. Stockwell's suggestion of the hogshead, as it was the best estimate of density and used by the State of Maine.

Mr. Pappalardo expressed concern that the weight of fish can change by + or – 20% based on the conversion factor, and suggested a moving factor that could be determined monthly. Dr. Cieri suggested that boats be allowed to be sealed in a unit of choice, but that a portside sampler would create a conversion factor by weighing between five and ten totes and averaging. Ms. Tooley commented that Dr. Cieri’s idea would be a good basis for a research project, and recommended that the standard conversion factor across the fishery be based on the hogshead for the time being, with research being done in the future to determine the accuracy. Mr. Grout questioned if the Committee would want a conversion factor that would change within the fishing year, or a conversion factor that would be standard and could change with a research project.

Mr. Avila suggested that the Committee agree to use the hogsheads, as some boats in the fishery were already utilizing that unit. **The Committee reached a consensus that the standard unit for the remaining measures in Section 4.5 is to be a hogshead.**

Funding Options

Ms. Steele provided the Committee with an overview of the funding issues that still needed to be addressed in the document, and expressed concern that the options may have been left too open ended. The Herring Committee and audience members then discussed several issues:

- Mr. Grout clarified that based on recent motions that eliminated options, the funding would only be needed for at-sea monitoring and portside sampling, assuming administrative and enforcement costs did not need to be considered.
- Mr. Avila expressed concern that the dealers would not pay, as the measure suggested, but that the funds would end up coming from the vessels.
- Mr. Fair agreed with the option to divide the payment up, with dealers paying for portside sampling and vessels paying for at-sea monitoring.
- Ms. Tooley recommended that some part of the portside sampling could be paid through a State funding mechanism, wherein a monitoring tax would be collected through the ASMFC process. A sliding based scale could be used based on commission. She also thought that vessels paying for a portion of the portside sampling program would be a good idea, as at-sea sampling was too expensive for all fisheries. She further suggested that the Council address the problem in a holistic way, with the long term solution being to look at a broader scale.
- Ms. McGee agreed that the widest range of possible funding sources needed to be considered, including vessels, dealers, processors, the States, but also recognized previous discussions where it was said that the requirement of payment would be passed on to the boats anyway.
- Mr. Pappalardo acknowledged that the same dealer discussion was removed from a groundfish motion because it was the first time the issue have been raised, with the understanding that the next framework would follow up on the issue of dealer cost sharing. He also questioned why only vessels carrying observers would be required to pay for the coverage, and suggested that the cost be spread across all permitted vessels, as the need for the program benefits them all.

- Mr. Grout expressed concern that for the States funding idea, as it would take seven State legislatures to agree on the same thing. He referenced the difficulty in all seven States agreeing to a standard fee for saltwater fishing and suggested that the NMFS funding be used to cover the costs of at-sea monitoring.
- Ms. Steele suggested that dealers could cover costs by requiring them to hire a portside sampler for the days in which the fishery had landing days, and that the sampler could be present for the whole day. Mr. Grout noted that only Area 1A has landing days, and that smaller boats might sell to other places in response. Ms. Tooley voiced concern that at some fish piers there are no specific dealers, and that some dealers will send two of their trucks in opposite direction to collect the herring.
- The Committee clarified that there would be one option for vessels funding observer and portside sampling programs above federal funding, and that there would be one option for dealers paying for portside sampling.

Other Business

As a matter of other business, Mr. Brogan asked questions about the observer coverage for accuracy purposes. Ms. Steele clarified that the SBRM was used in one option, and that another option was meant to be a placeholder to address the issue of accuracy versus precision. She further added that to improve precision there needed to be samples where there may be no fish, but that for accuracy the issue was still unresolved. She noted that the PDT did not expect to have that analysis done until the draft EIS, but that at that time the PDT would discuss the issue at length.

The Herring Committee meeting adjourned at approximately 5:30 p.m.



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FINAL MEETING SUMMARY

Herring Committee Meeting (Two Days)

Sheraton Harborside, Portsmouth NH

September 1-2, 2010

The Herring Committee met on September 1 and 2, 2010 to: continue the development of the catch monitoring alternatives for inclusion in Amendment 5 to the Herring Fishery Management Plan (FMP) and to develop management alternatives to address river herring bycatch.

Meeting Attendance (both days combined): Doug Grout, Chairman; Frank Blount, Jim Fair, Glenn Libby, David Pierce, Terry Stockwell, Mary Beth Tooley, Mike Leary, Erling Berg (September 1 only), Howard King, Herring Committee members (Sally McGee, Mark Gibson, Rodney Avila absent); Dave Ellenton (Herring Advisory Panel Chair), Jeff Kaelin, Chris Weiner, Peter Mullen, Gib Brogan, Don Swanson, Herring Advisory Panel members; Lori Steele and Talia Bigelow, NEFMC staff; Carrie Nordeen, Hannah Goodale, Aja Peters-Mason, Lindsey Feldman, NMFS NERO; Matt Cieri (ME DMR), Sara Wetmore (NEFSC Observer Program), Jamie Courname, Herring Plan Development Team Members; Rick Robbins (MAFMC Chairman), Roger Fleming (Herring Alliance), Gary Libby, Raymond Kane, Ben Martens and Tom Rudolph (CCCHFA), Steve Weiner, Sean Mahoney (CLF), Jud Crawford (Pew), Patrick Paquette, Glenn Robbins, and several other interested parties.

Wednesday, September 1, 2010 (Day 1)

The meeting began with a brief statement by the Chairman regarding the Council's policy for public comments during the meeting. The Committee members reviewed the agenda; Ms. Tooley suggested that the Committee consider discussing the haddock catch cap at some point during the meeting, and the Committee agreed to address that issue at the end of one of the two meeting days, depending on time.

Herring Advisory Panel Report

Mr. Ellenton, Herring Advisory Panel Chairman, provided the Committee with an overview of the August 25, 2010 Herring Advisory Panel meeting and a summary of the Advisory Panel (AP) recommendations regarding the management measures under consideration in Amendment 5. After the overview, Committee and audience members had a number of questions and comments:

- Mr. Stockwell asked if the AP had come to any conclusions regarding a standard unit of measure to apply to sealing and certifying vessels and/or trucks. Mr. Ellenton replied that there had not been a consensus and noted some difficulties in reaching any conclusions.
- Mr. Kaelin recommended that the focus of the measures to confirm the accuracy of self reporting should be on assuring the public that the amount of herring that is being captured is being reported; he supported consideration of truck weighing under these measures.
- Mr. Libby suggested random weighing of trucks as an option to deal with the high volume nature of the fishery.
- Ms. Steele clarified that the AP had voted in favor of removing the options which considered the weighing of trucks and supported the option to certifying the volume of trucks, similar to the way that vessels fish holds can be certified.
- Mr. Robbins noted that when the size of herring varies, the accuracy of a volume-to-weight conversion would be compromised.
- Mr. Mullen voiced concern over the lack of control over the herring once they are removed from his boat.

Measures to Confirm the Accuracy of Self-Reporting (Section 2.5)

Ms. Steele summarized the measures to confirm the accuracy of self reporting and the corresponding comments as they appeared in the Draft Amendment 5 Discussion Document. Some of the issues include: water weight in all scale measurements, certification and documentation issues, and where clarification and specification was needed in each option. Several Committee members asked questions and provided comments:

- Mr. Grout brought up a previous Committee motion, which stated that catch monitoring measures would apply to Category A, B and C vessels, and he noted that the motion assumes that all vessels pump fish into vessels holds, which was not always true, particularly for Category C vessels. Ms. Tooley agreed with his concerns about requiring vessels to adhere to measures which assume pumping when a vessel may not be pumping and also expressed concern over applying unilateral measures to the herring transport/trucking process, when it can be quite variable.
- Mr. Libby suggested that when fish totes are used, rather than holds, that the totes be measured when they arrive at the dock.
- Dr. Pierce asked for guidance from NMFS concerning the number of alternatives in the document, relative to the August 25, 2010 letter from Pat Kurkul, which he felt urges the Committee to include a large number of options for consideration, and he also noted the AP's recommendation to remove a number of options in this section of the document. Ms. Goodale responded that it is the Committee's judgment call. She pointed out that alternatives do not need to be considered if problems are identified, and she urged caution when eliminating alternatives that seem viable. She used truck certification as an example, noting that it could yield valuable information, but wondered how it would contribute to an effective catch monitoring program. Ms. Tooley clarified her understanding of the difference between "broad" and "reasonable", explaining she felt it would be misleading to bring unreasonable alternatives to the public. Ms. Goodale noted that the word "broad" in the letter was used purposefully, as everyone's definition of "reasonable" could be subjective.

- Mr. Stockwell asked Ms. Goodale comment on NMFS’s opinion of the proposed Catch Monitoring and Control Plans (CMCPs). Ms Goodale felt that the CMCP options were too general and required a lot of additional work, particularly with respect to specifying the required components and requirements for vessels to submit plans as a part of the permitting process. She felt the options could work if there are a few specified ways for catch to be verified which could be selected between. Ms. Tooley questioned if the same thing couldn’t be accomplished without CMCPs and noted that most fishermen would want other fishermen to be complying with the same set of rules.
- Mr. Rudolph expressed support for CMCPs, noting that variability in the fishery would allow fishermen to choose the best option for their vessels, and encouraged the Committee to specify a list of options in the CMCP section.
- Mr. Grout noted the need for an option to address vessels which do not utilize pumps or have a fish hold on board.

1. MOTION: MARY BETH TOOLEY/MIKE LEARY

That for the measures to confirm the accuracy of self-reporting, all limited access herring vessels would be required to place all fish either in a certified hold or a pre-measured container

Discussion on the Motion: Dr. Pierce questioned how the measure would be enforced and how and by whom a pre-measured container would be identified. Ms. Steele suggested that Category C vessels be addressed by the motion, rather than all vessels in the fishery. Mr. Libby thought that a standard container could be certified and marked with a tag, similar to the certification of all scales used for trade.

MAIN MOTION #1 PERFECTED:

That for the measures to confirm the accuracy of self-reporting, Category C vessels would be required to place all fish either in a certified hold or a pre-measured container

Further Discussion: Ms. Tooley was concerned about clarifying what a “pre-measured container” would be, and Mr. Grout suggested that Category C permit holders from the AP could clarify later. Ms. Goodale suggested that the entity which would certify vessel holds could also certify the containers. She also presented an example from the Surf Clam IFQ fishery, which is required in the FMP to be measured volumetrically using a unit of “cages”. The cages used in the industry are certified and tagged but some boats are not large enough to carry them, and therefore the language was modified so that when the vessel lands it is required to place all clams into the cages to volumetrically measure them. Mr. Ellenton felt that the accuracy of the pre-measured containers would need to be determined, and Mr. Libby felt that weighing the containers could work better.

MAIN MOTION #1 CARRIED UNANIMOUSLY.

2. MOTION: MARY BETH TOOLEY /DAVID PIERCE

To eliminate the first two options in Section 2.5.3 re. Certifying Dealer Trucks and Transport Vehicles

Discussion on the Motion: Ms. Tooley did not feel it would be possible for all dealers to install truck scales, and noted that some dealers do not even own trucks. Some Committee members considered the specifics of weighing trucks in the remaining truck-weighing option, and Ms. Steele reminded them that some details could be specified during the Draft EIS process. Mr. Kaelin felt the third option should also be removed, as per the AP's comments, as the time between the loading of the herring onto the trucks and the weighing could allow for too much tampering, and Mr. Ellenton expressed concern over truck regulations that may be applied to dealers that do not own trucks. Some audience members opposed removing potential measures before analysis, and others noted that truck certification would still be considered if the motion passed. Ms. Steele noted that anything being left in the document for the Draft EIS and public comment would have to receive a full analysis, and encouraged the Committee to consider the scope of the draft with complicated measures.

MOTION #2 CARRIED 7-1-1.

Ms. Tooley asked Ms. Goodale to speak about the third truck option, which would require the weighing of trucks. Ms. Goodale explained that for the weighing to enhance catch monitoring, the weights would need to be tied to the fishing vessel, and that it was not clear how the process would work in the various ports. Linking vessel reports to the dealer reports is already difficult, and adding multiple tracks to each point would make it even more difficult. Ms. Goodale expressed uncertainty about the benefit for the amount of work the measure would involve. Mr. Blount expressed concern about the option.

3. MOTION: MARY BETH TOOLEY /ERLING BERG

To eliminate the third option under Section 2.5.3 for truck weighing

Discussion on the Motion: Ms. Tooley noted that her motion was consistent with the suggestions from the AP. Mr. Stockwell thought that developing a viable and comprehensive monitoring program would necessitate leaving the option in for the time being, and Dr. Pierce agreed.

MOTION #3 FAILED 2-7.

4. MOTION: MARY BETH TOOLEY /ERLING BERG

To eliminate Option 2.5.4 which would require flow scales on herring vessels or require offloading to a facility that has one

Discussion on the Motion: Ms. Tooley pointed out that if the scale option is removed, it would not be removed as an option under the CMCP approach. Mr. Grout noted that Category C vessels would need special consideration under the option if they do not pump fish and therefore could not use a flow scale.

MOTION #4 FAILED 2-7.

Presentation: An example of potential coverage rates for the directed herring fishery with respect to river herring, using SBRM

Dr. Cieri gave the Herring Committee a presentation updating the analysis in Amendment 5 that illustrates the levels of observer coverage that may be necessary to achieve the target levels of

precision identified by the Council, using the approach from the Standardized Bycatch Reporting Methodology (SBRM).

- Mr. Grout clarified that the amount of sampling needed to go from 30% to 20% to 10% CVs changed due to variability. He also noted the high variability on Georges Bank for midwater trawls. Ms. Tooley suggested that if the data from the area on the backside of Cape Cod were stratified differently, the results would change.
- Dr. Pierce noted that the analysis indicated that the CV adopted by the Committee was not achievable without significantly increasing the coverage in the fishery in particular areas and by gear types. Dr. Cieri explained that the estimates were based on precision.
- Mr. Stockwell asked Dr. Cieri what the decrease in trips, based on the current quota, would mean for his estimates. Dr. Cieri responded that his analysis was based on the previous year's coverage, and the decrease was not incorporated. He thought a 15% observer coverage rate would be needed as a baseline to determine what amount of coverage would be needed to achieve a 20% CV the next year in the areas which had no data.
- Mr. Rudolph inquired if the trend would continue if coverage levels continued to increase, but Dr. Cieri was uncertain as he would need data to determine the answer. Dr. Cieri explained that there is a point at which precision is not gained by increasing sample size, but that point is unknown.
- Ms. Steele briefed the Committee on the PDT recommendations from the August 19, 2010 PDT report. She described the SBRM approach as being precision-based. She noted that some of the assumptions may not apply correctly when examining river herring, as the SBRM approach would mean an increase in sampling where there may be not river herring. She therefore suggested that the Committee add an option to the document that would look at the seasonal stratification of data and develop an approach that would consider it with respect to accuracy. Dr. Cieri clarified that it both base level coverage with additional seasonal effort and re-analyzing the data by quarters and areas could be done to develop a new approach. He also clarified that there was no way to know if accuracy would increase with the new approach, but that precision may.
- Ms. Tooley expressed concern over the grouping of Georges Bank and the backside of Cape Cod together, and Dr. Cieri suggested added coverage in that area for more accuracy, noting that the current analysis is based around management areas.
- Dr. Pierce supported the option from the PDT and was uncomfortable about increasing only precision and not accuracy, as the SBRM does. Mr. Berg questioned that if accuracy is not ultimately measurable, how it could be determined if the alternative method would be more efficient. Dr. Cieri questioned the definition of efficiency, and added that if more strata were considered, it was likely that more days at sea would be needed.

5. MOTION: DAVID PIERCE/HOWARD KING

To add an option for observer coverage levels based on seasonal stratification of river herring data intended to improve the accuracy and precision of river herring bycatch estimates

Discussion on the Motion: Mr. Rudolph urged the Committee to consider all bycatch species, not just river herring, and Dr. Pierce thought he would be receptive to a similar approach for haddock.

MOTION #5 CARRIED UNANIMOUSLY.

Development of Measures to Establish a Portside Sampling Program

Ms. Steele provided an overview of the measures to establish a portside sampling program but noted that some of the alternatives would change as the analysis continued. She also described how the current portside monitoring programs have been developed and administered by the States in which they were occurring, and she suggested that the ASMFC may want to consider developing a similar program by working with the States through the Interstate FMP for Herring. She explained that NMFS would likely require a separate entity to administer a Federal portside program, and that if it is a joint program, then the costs and responsibilities could be shared with the States.

Mr. Stockwell supported the idea of a collaborative approach but did not support remanding the portside sampling program to the ASMFC. Dr. Pierce noted that the states could not guarantee that the programs would continue, as their continuation is contingent on funding. Ms. Steele clarified that the Amendment would not force the states to administer and fund the program, but rather suggest collaboration. Dr. Pierce supported an option in the document that would have the state taking responsibility for the cost of the program, but only if the funds were available. Mr. Grout agreed with concerns of state budgets decreasing, and suggested that the Amendment could be an opportunity to lobby for full funding of the Atlantic Coastal Act or an increase in the ACCSP funding. Mr. Stockwell also agreed with funding concerns, and could not support a mandate to fund the program, but suggested that the Council should start to work with Commission staff and start thinking about some collaborative sampling approaches. That way, if the Commission does initiate an amendment to the Herring FMP, some discussion will have already occurred.

Ms. Tooley expressed concern that if the state programs were lost, the industry would suffer from lack of information for assessments and spawning closures, and noted that the programs were the most cost efficient way to sample the fishery. She suggested that a description be added to the Draft Amendment 5 Document that describes the states procedures, under the status quo alternatives, with some statements about working cooperatively together. This would encourage the Commission to consider and discuss the matter without mandating anything. Mr. Stockwell noted that the goals of accurate and timely monitoring are shared by the Commission, and asked that Ms. Steele bring this issue up at the next Herring Section meeting.

6. MOTION: DAVID PIERCE/TERRY STOCKWELL

That we include an option that States continue their portside sampling programs provided funds are found for the program, in support of the Council's priority for portside sampling coverage

Discussion on the Motion: Ms. Tooley questioned if there was a way to facilitate the state programs in the Amendment. Dr. Pierce stated that he had found good, continuous, robust checking of landings from the state program. Dr. Cieri explained how the catch at age matrix is

derived from portside sampling, and that the age structured model would not exist without it. He also noted that spawning tolerances are analyzed by portside sampling. Furthermore, he noted the differences between the portside sampling program and the at-sea observer program, and Dr. Pierce thought that there would be more discussion between the two programs in the future. Dr. Cieri also explained that information is collected from all areas, and analyzed as the Council and Commission directs, but that much of the data on individual sampling done in individual areas is confidential.

Mr. Swanson suggested that the end users should be paying for the program, and Mr. Libby felt the Committee should be recommending what coverage levels should be. Mr. Kaelin supported the motion and explained the industries success with the program so far, but expressed concerns over funding and urged the Committee to consider attainable measures. Ms. Goodale expressed concern that motion was not clear in terms of what the option would be in the amendment. Ms. Steele noted the legal problems with NMFS collecting money from the industry, and explained that the states may have more freedom and opportunity to explore alternative funding through the industry. Ms. Tooley suggested that Ms. Steele ask the Commission what the states need for the program.

MAIN MOTION #6 PERFECTED:

That we request that States continue and expand their portside sampling programs provided funds are found for the program, in support of the Council's priority for portside sampling coverage and that the Herring PDT and Technical Committee jointly meet to review the States shoreside monitoring programs in order to address the goals and objectives of Amendment 5

MOTION #6 (PERFECTED) CARRIED UNANIMOUSLY.

Measures to Require Electronic Monitoring (Section 2.9)

Ms. Steele provided an overview of the measures to require electronic monitoring and explained her concern over the lack of development of some of the options. She also expressed concern with hardwiring specific options into the Amendment prior to research being conducted regarding the technology requirements in the options. Dr. Pierce suggested that Sections 2.9.2 and 2.9.4 be combined, and once research had occurred, a Framework could apply the measure to the fishery. He also suggested that Section 2.9.3 be reconfigured for video monitoring technology. Mr. Stockwell agreed with Dr. Pierces suggestions, noting that the options have a lot of potential but require a lot of work. Ms. Tooley felt the language in Section 2.9.4 may be too restrictive and limit the research, and agreed with the recommendations for a video monitoring pilot program, but was not sure if the Council could require the Northeast Fisheries Science Center to conduct a pilot program.

Mr. Paquette suggested that the entire section regarding electronic monitoring (EM) be removed from the document, so that staff time could be better spent working on other elements of the Draft EIS. Mr. Weiner and Mr. Rudolph disagreed, and thought the measures should be considered and used to focus research, as they could ultimately provide independent estimates of weight of a net that is going to be dumped. Dr. Pierce suggested that a measure be developed to require bottom contact sensors, and asked how they were currently utilized in the fishery. Ms.

Tooley described the sensors currently used in the fishery, which are usually placed on the headrope to indicate how far off the bottom the net is. She expressed concern that if a sensor is required to be placed on the footrope, the equipment could be lost more regularly. Mr. Grout suggested that the details pertaining to collecting and monitoring the data from the sensors should be developed. Dr. Pierce questioned the cost and likelihood of losing the sensors if placed on the bottom of the net, and Mr. Mullen thought that the equipment could be lost relatively easily if the gear gets caught on something. Dr. Pierce emphasized that the midwater trawls are not supposed to be fishing the bottom. He stated the importance of obtaining information on weather midwater trawls are being fished on the bottom, and asked if the information could be obtained through observer monitoring in the wheelhouse. Ms. Tooley believed that the observer program is not comfortable having the observers interpret what the captains are seeing on the computer screen in the wheelhouse. Mr. Stockwell questioned the information provided by the companies selling the electronic monitoring equipment, and asked if the Herring PDT could ground-truth the information. Ms. Steele replied that it could not be done until research had been conducted, and noted that the PDT and industry would need to work together to determine the best applications for the EM technology in the fishery.

The Herring Committee discussed the first three options in the EM section, and Ms. Steele pointed out that the data collection procedures for requiring net sensors are not clearly spelled out in the document. Ms. Tooley clarified that NMFS does not have any expertise on determining where a catch sensor should be placed on the net. She also did not think any of the net sensor options would be applicable to purse seine vessels. Dr. Pierce again expressed support for modifying Section 2.9.4 to be specific to bottom contact sensors and outlined two options – the E-sonar bottom contact sensors, or another strategy to take advantage of existing technology.

7. MOTION: DAVID PIERCE/TERRY STOCKWELL

To modify Section 2.9.3 so that it would read “this option would establish a top priority for use of the RSA to establish a video monitoring pilot program. Requirements for using a video monitoring system would be added to the list of items that can be implemented through a framework adjustment.” Also modify Section 2.9.4 to read “Option: Electronic Monitoring” – Require a Height or Bottom Contact Sensor for determining the amount of bottom contact of trawls during each tow

Discussion on the Motion: Dr. Pierce clarified that the intent is for NMFS to collect the data, and the data would be used by PDTs, specifically the Habitat PDT since the question is bottom contact of trawls. He noted that if it is determined that there is bottom contact occurring in the fishery, then the Council would be able to take action. Evaluation of the data collected by NMFS through the PDTs would be instructive and enable the Council to act on the data with regards to habitat protection and reducing bottom contact. Ms. Goodale asked that the Committee specify how the data would be collected/submitted. Ms. Tooley stated that not all vessels have the same equipment on board, and noted the need for more information on how the data would be reported. Mr. King asked for clarification regarding whether the research priorities should be specific to RSA funding.

MAIN MOTION #7 PERFECTED:

To modify Section 2.9.3 so that it would read “this option would establish a top priority for cooperative research to establish a video monitoring pilot program. Requirements for using a video monitoring system would be added to the list of items that can be implemented through a framework adjustment.” Also modify Section 2.9.4 to read “Option: Electronic Monitoring” – Require a Height or Bottom Contact Sensor for determining the amount of bottom contact of trawls during each tow (language in 2.9.2 will reflect top priority for cooperative research instead of RSA)

MOTION #7 (PERFECTED) CARRIED UNANIMOUSLY.

Catch Monitoring – Outstanding Issues/Development of Alternatives

Ms. Steele presented a summary document, which included a flow chart to illustrate how the catch monitoring alternatives could be constructed, as well as a series of tables updating the Committee on the status of each option under development in the draft amendment. The Committee then addressed some outstanding issues.

8. MOTION: MARY BETH TOOLEY /ERLING BERG

To eliminate Section 2.4.3.4 sub-option related to the length of carrier vessels and add Section 2.4.3.5.2 for a dual option for carrier vessels

Discussion on the Motion: None.

MOTION #8 CARRIED 7-0-1.

Ms. Steele reviewed the measures to address maximized retention (MR) more specifically. Ms. Tooley suggested that the Committee review the species list proposed for maximized retention to determine the feasibility of implementing such a program in this amendment (based on allowances and restrictions on landing certain species in the herring fishery). She suggested that Highly Migratory Species, striped bass, river herring and possibly menhaden be removed from the proposed MR list. Dr. Pierce asked for the rationale for excluding river herring, and Ms. Tooley explained that river herring were illegal to land in certain states, such as Rhode Island. Ms. Steele clarified that the idea behind the list was for the Council to pick and choose species that MR would apply to if the preferred alternative became maximized retention across the entire fishery. Ms. Tooley felt that a simpler approach would be to pare down the list at the present time. Mr. Grout noted that for striped bass to be landed, the Federal rule, an Executive Order, and a number of State rules would likely need to be amended.

9. MOTION: MARY BETH TOOLEY /JIM FAIR

That under Section 2.6.2.2, the following species be removed: highly migratory species, striped bass, river herring, and shad

Discussion on the Motion: Mr. Stockwell expressed concerns over removing river herring and shad, but asked that monkfish be removed as well.

MAIN MOTION #9 PERFECTED:

That under Section 2.6.2.2, the following species be removed: highly migratory species, striped bass, and monkfish

Further Discussion: Mr. Blount expressed concern that river herring are being landed despite prohibitions, and noted that it is typically difficult to avoid river herring anyway. Ms. Tooley clarified that vessels are not allowed to retain dogfish according to the LOA, but noted that enforcement cannot ensure that the vessels are discarding every dogfish. She suggested that the species allowed under the herring LOA be revisited since they originated from the groundfish regulations.

MOTION #9 (PERFECTED) CARRIED UNANIMOUSLY.

Ms. Steele explained that if the maximized retention is going to be considered fishery wide, then big issues that still need to be addressed include if and how video monitoring would be used and if and how the phase-in options would work.

10. MOTION: TERRY STOCKWELL/ERLING BERG

To include Section 2.6.4.2 new option for disposal of non-permitted catch

Discussion on the Motion: Ms. Tooley expressed concern that the motion would not adequately address disposal issues, noting that after the required 12 hours, most boats take the catch back out to sea and dispose of it. She also questioned how else to dispose of the species that aren't marketable, and noted that bringing in herring to be sampled may lead to driving prices down in the market due to too many fish being landed. Mr. Libby felt that with the low quotas, there wouldn't be too many fish that would be unmarketable. Ms. Tooley further explained that a vessel may have an idea of how many fish need to be landed to fill a certain number of tanks, but that with maximized retention, all the extra fish would need to be loaded into spare tanks, and to avoid instability the entire tank would need to be filled, bringing in more fish than they originally intended. Mr. Mullen confirmed that the herring market can change quickly. Mr. Kaelin pointed out that certain fish will deteriorate an entire tank of catch if pumped in, and thought that a vessel should be able to let those fish go and record what was discarded.

MOTION #10 CARRIED UNANIMOUSLY.

Mr. Stockwell stated that he was not prepared to make a motion about video based electronic monitoring, but that he was supportive of the concept and thought the section was in need of more discussion and development. Ms. Tooley asked clarifying questions about how maximized retention would apply in the different options. Ms. Steele explained that maximized retention could apply three ways: fishery wide, only when an observer was present, or not at all. Ms. Steele asked that the Committee address the permit categories to which the EM provisions may apply. She also asked the Committee to clarify who would collect the video camera data, who would analyze it, and how the enforcement process would work. She noted that video technology currently may not exist to confirm species-based maximized retention in the fishery.

Mr. Stockwell expressed concern that the maximized retention measures are not ready to move forward yet and was torn over deleting them from the document or potentially delaying progress on the amendment. Mr. Grout agreed that the decision needed to be made. Mr. Blount expressed

support for continuing to consider video monitoring, although he was uncertain about the details. Ms. Steele encouraged the Committee to make decisions, and reminded them that the measures would be moving into the EIS phase, not the final decisions phase. She asked that the amendment remain realistic, and that if questions could not be answered, that the option be taken out. She also suggested that the maximized retention options could be brought forward to the Council as-is, acknowledging that the details need to be developed, but that if they are not developed by the time the Draft EIS is completed, then the decision will need to be made about whether to eliminate them. Dr Pierce and Mr. Stockwell agreed and thought bringing the issue to the Council would be a good idea.

Mr. Grout and Ms. Steele discussed the concerns that the PDT had over the option that requires levels to meet target CVs in the portside sampling section, and Ms. Steele noted that the PDT may not even be able to apply the observer criteria to the portside sampling program.

11. MOTION: MARY BETH TOOLEY/TERRY STOCKWELL

To eliminate Section 2.8.4.2.4 under options for portside sampling coverage levels

Discussion on the Motion: Ms. Tooley pointed out that the original idea was to combine the observer and portside sampling data to help guide the option, but that the more the PDT analyzed, the more difficult the task became. She stated a need to line up events that have overlap between portside sampling and observer sampling to learn more about both the observer and portside data. She also noted that trying to meet the CV levels would be very problematic based on the current data. Ms. Steele clarified that significant analysis would need to be undertaken to make the option work; it would have to mirror what was done with the observer program but be modified for the portside sampling program.

MOTION #11 CARRIED UNANIMOUSLY.

Opportunity for Public Comment

Mr. Robbins, of the F/V Western Sea and speaking on behalf of the seiners, pointed out that the fishing was at the worst he had ever seen, and that there were no fish left. He described a joint project with Pew that involved a video camera on his boat. He pointed out that the price of lobster had dropped and that the lobstermen are bearing the brunt of the herring fishery woes. He was also concerned about the efficiency of trawling, and noted that it was not allowed in Canada. He suggested that trawlers not be allowed in Areas 1A and 1B, and thought pair trawlers should be banned entirely. He believes that they are too efficient in areas such as the backside of Cape Cod, where seiners cannot go. He expressed concern over harvesting spawning fish and recommend that the Committee consider rules to keep the trawlers out when the herring are spawning on Georges Bank, such as spawning closure areas. He suggested that the penalty structure for catching spawning fish should be first a warning, second a fine of \$50,000, and third, removal from the fishery.

Day 1 of the Herring Committee meeting adjourned at approximately 7:00 p.m.

Thursday, September 2, 2010 (Day 2)

Prior to the start of the day's agenda, Rick Robbins, Mid-Atlantic Council Chairman, made a statement to the Herring Committee. He briefed the Committee on the initiation of Amendment 14 to the Squid, Mackerel and Butterfish FMP, which overlaps with the actions proposed in Amendment 5 to the Herring FMP. There are many goals for the amendment, including: evaluation of river herring and shad catch, creation of an effective monitoring program for fisheries, consideration of alternatives to minimize bycatch, development of alternatives to reduce river herring/shad catch, and consideration of management integration issues. He reported that the Mid-Atlantic Council also tabled a discussion about an Anadromous FMP, and had a discussion about the integration of management. He told the Committee that there would be an October 6, 2010 informational meeting for the Squid, Mackerel, and Butterfish Committee, and he encouraged continued cooperation between the two Councils.

Presentation, Discussion, and Development of Recommendations: Identification of River Herring Hotspots At-Sea Using Multiple Fisheries Dependent and Independent Datasets

Dr. Jamie Cournane from the Herring PDT presented an updated analysis that can be used to select a range of alternatives for river herring hotspots in Amendment 5. After the presentation several Committee and audience members had questions and comments:

- Mr. Stockwell asked for clarification on the overlay between the observer bycatch data, the PDT's new approach for identifying hotspots, and the Bottom Trawl Survey (BTS). Dr. Cournane explained the differences between the BTS data and the observer data and suggested that if the BTS is not operating in the same place where the fishery is operating during some time of the year, the observer data can help identify additional candidate hotspots.
- Dr. Cournane explained to Mr. Grout that the analysis stratified the data at a given point (such as the mean, median, or 75th percentile) and then combined it with a metric of percent occurrence, with the intent to look at catch frequency and move beyond rare events.
- Dr. Pierce inquired why there is no hotspot identified on the back of Cape Cod. Dr. Cournane responded that the BTS provides a framework upon which the Committee can build, including adding (and subtracting) hotspots based on the operation of the fishery. She encouraged the use of multiple sources of data for making decisions.
- Dr. Pierce noted that the nature of the fishery has changed and that catch from small mesh bottom trawls has become especially important in the winter and spring months. He asked if it would be possible to conduct similar research on the mackerel and squid fisheries, as the MAFMC was moving forward with measures for river herring bycatch. Dr. Cournane mentioned that she had been discussing this with the MAFMC.
- Ms. Tooley expressed concern over the potential management approaches to be considered in the candidate hotspots, and the potential for movement of effort into adjacent blocks if a block was closed, which could increase mortality incidentally. Ms. Steele suggested that the Committee select hotspots based on the management objectives.
- Mr. Paquette inquired if the data included the Maine or Massachusetts portside sampling program, and if the analysis includes incidental catch, and not just discards. Dr. Cournane

responded that incidental catch was included, but that the portside data are not available in the right format at this time.

- Mr. Crawford asked if it is possible for the observer data to be combined with the quarter degree squares while addressing confidentiality issues. Ms. Wetmore explained that the observer program would have to follow the same rules that Dr. Cournane had to use with respect to confidentiality. Dr. Cournane and Ms. Wetmore agreed that this could be explored further if the Committee is interested.
- Mr. Kaelin expressed concern that the fishery data had been combined for all years in the analysis and noted that although the fleet had changed its behavior in response to river herring bycatch, it is not possible to determine if the changes have had an effect because the data are grouped. He also suggested that the analysis be broken down by gear type, and stated that he thought it was premature to use the data in the current form. Dr. Cournane explained that the PDT had discussed some of the issues, and had plans to look at the gear types more closely in the EIS. Mr. Kaelin noted that the AP supports including Category D vessels in the river herring management measures, and felt that if the data considered gear types individually, then this would be important. He also asked for an update on the river herring stock assessment.
- Ms. Goodale described the general guidance she had been given from NMFS Enforcement in regards to management area sizes; area management bounds should be specified in regular shapes and at least two nautical miles. There was some discussion regarding the size of a quarter degree square.
- Mr. Rudolph asked Dr. Cournane how the 75th percentile was chosen as a threshold, if State surveys were included, how the Herring PDT saw the measures moving forward, and if there was consideration of herring “NK” in the analysis. Dr. Cournane replied that the 75th percentile was chosen to isolate the high values, and noted that other thresholds could be chosen. She explained problems with adding data from the state surveys at this time but noted that the PDT may examine these data further in the Draft EIS. She explained that the PDT had agreed that the quarter degree square approach produces similar results to the statistical area approach; at this time, the PDT has put forward several methods for identifying hotspots with some general advice and recommendations for the Committee to consider. She explained that herring NK were not included in the analysis, but could potentially be looked at in the future.
- Mr. Grout pointed out that a hotspot that appears in the fall could be quite different than a hotspot in the winter or spring because the magnitude of catch from the trawl surveys and the amount of percent occurrence is different seasonally. Dr. Cieri urged caution in comparing surveys, because they are stratified differently, use different gear types, and have different magnitudes.

12. MOTION: DAVID PIERCE/JIM FAIR

That, as one alternative, river herring hotspots will be based on ¼ degree squares where NEFOP river herring weights have been greater than 40 pounds for at least one tow from 2005-2009. Hotspots will vary seasonally (bi-monthly) and be based on the PDT analyses. NMFS BTS candidate river herring hotspots based on the 75th quartile identified by the PDT will become actual seasonal hotspots (survey seasons) when NEFOP data document river herring catch greater than 40 pounds in any tow. As a

second alternative, river herring hotspots will be based on ¼ degree squares where NEFOP river herring weights have been greater than 129 pounds for at least one tow from 2005-2009. NMFS BTS candidate river herring hotspots based on the 75th quartile identified by the PDT will become actual seasonal hotspots when NEFOP data document river herring catch greater than 129 pounds in any tow.

Discussion on the Motion: Dr. Peirce pointed out that the motion would allow the Committee to utilize the PDT approach while still utilizing available observer data. Ms. Steele clarified that the hotspots would vary bimonthly, and that candidate areas would vary seasonally. Dr. Cieri urged caution in setting management thresholds based on the observer data, as it represents an extrapolation from ten basket samples. Dr. Pierce expressed confidence in the observer protocol.

MOTION #12 CARRIED 6-0-2.

Ms. Steele asked the Committee to consider how the motion would apply to the management measures under consideration, and more specifically how it would apply to the move along rules and closed areas. She also noted that if an area was closed, then observer data would not be collected from the areas, and she asked if only the original hotspots identified by the Committee would apply to a closed area alternative (the Committee confirmed). If move along rules are applied, she suggested that the thresholds be at the trip level, so that the observer could communicate the catch information to NMFS at the end of the trip.

Mr. Grout suggested that with the move along rule, the numbers from the motion be set as the thresholds for consideration, and that vessels would be required to move out of the area for a specified amount of time. Mr. Stockwell supported the idea, but was not sure how long the vessels would need to leave the area. Ms. Steele clarified that the PDT would not be able to provide recommendations regarding time requirements based on any available data. Mr. Grout suggested two options for the closure time, one week and the entire duration of the hotspot (two months). Dr. Pierce felt that preliminary results from the Sustainable Fisheries Coalition project should be able to inform the decision regarding move along time. He also felt that it is important that the triggers be on a tow-by-tow basis, to be communicated through the mechanisms being investigated by the project. Ms. Wetmore noted that the observers don't currently report on a tow by tow basis but that the data are available at this level following completion of the trip.

Mr. Stockwell expressed concern over observers acting as enforcers, and felt that the turnaround from triggering a hotspot to having it implemented would be at least one week. He noted that the longer the implementation takes, the more likely the fish are to have moved out of the areas and into the open areas where fishing effort would shift. Mr. Fair felt the measure could work cooperatively like the scallop yellowtail flounder avoidance program, providing that the fleet has an incentive to stay away from the river herring.

13. MOTION: DAVID PIERCE/TERRY STOCKWELL

That the threshold for river herring bycatch that would trigger move along strategies would be either greater than 40 pounds per trip or 129 pounds per trip and that the time vessels would be required to remain out of the quarter degree squares where the trigger was reached would be either one week or two weeks

Discussion on the Motion: Mr. Leary was concerned that the numbers in the motion may be too low, and that they may encourage the fisherman to stay in the area and catch as much as possible on the trip, knowing the area will eventually be shut down. Ms. Tooley agreed that the numbers may be too low. Dr. Pierce clarified that only the quarter degree square in which the fish are caught should be shut down when the trigger is reached. Ms. Steele noted that vessels may be fishing in multiple quarter degree squares and would not be able to separate out where the fish were caught, so the move along would need to apply to any hotspot squares in which the vessel is fishing. Ms. Tooley noted that the small mesh bottom trawls have a high rate of catching river herring, and she expressed concern that one gear type would be impacting the entire fishery. She further noted the different catch rates for different gears in the same area, and expressed concern about the fishery-wide effect of some gears. Mr. Stockwell expressed concern over the numbers in the motion, and Mr. Grout suggested that a high threshold be included in the motion, to provide a range for the analysis.

MOTION #13 PERFECTED:

That the threshold for river herring bycatch that would trigger move along strategies would be either greater than 40 pounds per trip or 129 pounds per trip and that the time vessels would be required to remain out of the quarter degree squares where the trigger was reached would be either one week or two weeks. As another alternative, the thresholds would be either an average of greater than 40 pounds per tow per trip or an average of greater than 129 pounds per tow per trip.

Further Discussion: A few people expressed further concern over the threshold numbers in the motion. Ms. Steele questioned the permit categories to which the measures would apply.

MOTION #13 WAS WITHDRAWN BY ITS MAKER.

14. MOTION: TERRY STOCKWELL/DAVID PIERCE

That the threshold for river herring bycatch that would trigger move along strategies would be either greater than 500 pounds on a trip or 2,000 pounds on a trip, and that the time vessels would be required to remain out of the quarter degree squares where the trigger was reached would be either one week or two weeks

Discussion on the Motion: Ms. Goodale affirmed that NMFS would probably need one week to implement the closed areas/move alongs, and that then there would need to be time to contact the industry. She noted that her office would need to think through the implementation once the maps have been created. She suggested that the scale and timeframe be broadened.

Mr. Kaelin asked if the Draft EIS would analyze the conservation benefits of the measures on river herring. Ms. Steele noted that this would be addressed in the analysis to the extent possible, but that the measures are not being proposed primarily to reduce bycatch in the fishery. A few Committee members felt that the measures are also proposed for river herring conservation. Ms. Steele noted that there is currently no river herring assessment, and therefore no mechanism to estimate how much mortality would be reduced by the proposed measures. Ms. Tooley explained that river herring are not bycatch, but are incidental catch. Mr. Leavenworth, from the University of New Hampshire's Gulf of Maine project, noted that historically, river herring were not caught along with sea herring, and were more a part of the trophic system.

Mr. Brogan noted the need for river herring to become a stock in the Atlantic Herring FMP, for the purposes of implementing ACLs, and so that the Science Center would need to create a benchmark to measure the fishery against. Mr. Fleming asked for a lower threshold in the motion, to be consistent with the previous motion and also supported river herring becoming a stock in the Atlantic herring fishery. Ms. Tooley did not agree with the suggestion to make river herring a stock in the fishery, as river herring does not meet the definition of bycatch, and she added that such an approach would not be consistent with other fisheries FMPs. Dr. Crawford provided some information about upcoming river-specific stock assessments, noting that soon the management would be of a river herring stock complex. He also suggested considering an alternative that would use an approach based on sequential tows for a trigger, to detect repeated river herring encounters.

MOTION #14 PERFECTED:

That the threshold for river herring bycatch that would trigger move along strategies would be either greater than 50 pounds on a trip, 500 pounds on a trip, or 2,000 pounds on a trip, and that the time vessels would be required to remain out of the quarter degree squares where the trigger was reached would be either one week or two weeks.

Further Discussion: None.

MOTION #14 CARRIED 7-1.

15. MOTION: TERRY STOCKWELL/FRANK BLOUNT

To add a third alternative for an upper threshold of greater than 1,233 pounds for identifying hotspots. Under this alternative, river herring hotspots will be based on $\frac{1}{4}$ degree squares where NEFOP river herring weights have been greater than 1,233 pounds for at least one tow from 2005-2009. Hotspots will vary seasonally (bi-monthly) and be based on the PDT analyses. NMFS BTS candidate river herring hotspots based on the 75th quartile identified by the PDT will become actual seasonal hotspots (survey seasons) when NEFOP data document river herring catch greater than 1,233 pounds in any tow

Discussion on the Motion: Mr. Stockwell noted that the motion would allow for a larger range of triggers to be considered for identifying hotspots.

MOTION #15 CARRIED 6-0-1.

Mr. Grout asked how the Committee wanted to address the closed area alternative for the river herring hotspots. Some general cleanup of the Draft Document was considered by the Committee, and it was agreed that the closed area alternative would apply only to "stage 1" hotspots, i.e., those identified by the Committee as the initial hotspots.

16. MOTION: MARY BETH TOOLEY/TERRY STOCKWELL

To add an alternative that would apply the Closed Area I Final Rule provisions when an observer is on board the vessel

Discussion on the Motion: Mr. Kaelin expressed support for the motion, and noted that a meeting for the Sustainable Fisheries Coalition would be taking place on October 1, 2010. Some

audience members opposed the motion as it did not get at complete information collection, and one member felt the industry should be paying for the observer coverage.

MOTION #16 CARRIED UNANIMOUSLY.

Mr. Leary questioned what would happen if a vessel had already started a trip, and the area closed.

17. MOTION: MIKE LEARY/MARY BETH TOOLEY

For a hotspot closure (from the move alongs), that all fishing ceases upon the date/time that the closure is established

Discussion on the Motion: None.

MOTION #17 CARRIED UNANIMOUSLY.

18. MOTION: TERRY STOCKWELL/JIM FAIR

For Alternative 7 (river herring closed areas), to include all permit categories A, B, C, and D

Discussion on the Motion: Mr. Leary clarified that the areas would be closed to all permitted herring vessels. Mr. Blount noted that a Category D permit holder could be fishing for groundfish with 6.5 inch mesh and still be prohibited from fishing in the areas. He asked to clarify if the restriction would be for all gears capable of catching herring, or just the Category A-D permit holders. Mr. Rudolph suggested that the language be changed to address “directed fishing for herring”, but Ms. Steele pointed out the difficulties associated with writing a regulation specific to “directed fishing.” Mr. Kaelin supported the motion and asked that the move along rules apply to Category D permit holders are well, noting that the number of vessels with VMS needs to be researched to see if they need to be required in the amendment.

Mr. Libby asked if, as a Category D permit holder, he could surrender his permit and then reapply later to get it back. Ms. Goodale responded that the permit could be given up, but that it couldn't be reissued until the beginning of the next fishing year. Mr. Blount felt the definition for the closure should be reconsidered, as many latent permit holders would be brought into a punitive situation. Ms. Steele suggested that the Committee should be consistent in its approach to closed areas and reminded them of the measures to address midwater trawl access to groundfish areas. Mr. Kaelin suggested utilizing an LOA, so that the small mesh bottom trawl fleet is addressed specifically. Mr. Blount did not think it was appropriate to require groundfishermen to give up their herring permits because of the proposed closures. Mr. Stockwell disagreed, and noted that only some hotspots would be closed, not the entire fishing area. Mr. Leary asked if the restriction would apply to lobster or tuna fishermen in the area who may have herring on board as bait. Ms. Goodale clarified that 5.5 inches separated small mesh and large mesh gear in the SBRM.

MOTION #18 PERFECTED:

For Alternative 7 (closed areas), to include all permit categories A, B, C, and D; and to exempt vessels using mesh greater than or equal to 5.5 inches

Further Discussion: Dr. Cieri noted discrepancy between the intent of the motion and the analysis conducted thus far by the Herring PDT. Mr. Rudolph suggested the alternative approach of limiting all vessels to 2,000 pounds in the areas of concern. Mr. Blount noted that the motion would restrict all gear capable of catching herring. Ms. Peters-Mason read the regulatory text that states a fisherman is allowed to possess bait on board by limiting gear with it, and suggested adding in the gears the Committee does not want fishing in the hotspots and paring them with mesh size.

MOTION #18 CARRIED 5-1.

Ms. Steele asked to clarify what category permit holders would be considered with the move along rules and other measures to address river herring bycatch. Ms. Tooley expressed concern about applying some of the measures to all permit holders, noting that a small boat should not be able to restrict the entire fishery. Applying the measures unilaterally to all permit holders appealed to her too, as it would open up discussion on different gear types. Mr. Stockwell pointed out that the AP recommended the same thing. Ms. Steele noted that at this stage in the process, the most restrictive action could be considered, and the Council could choose a less restrictive option later. She noted that it would significantly expand the program and increase costs and scope and increase the difficulties in implementing the notification system for the move along rule.

19. MOTION: TERRY STOCKWELL/MARY BETH TOOLEY

With the exception of Section 3.3.4 (Alt 7), measures to address river herring bycatch in Amendment 5 would apply to (option 1) A, B, and C vessels; and (option 2) A, B, C, and D vessels

Discussion on the Motion: Ms. Tooley felt the measures should go to public comment so the implications could be discussed. Mr. Weiner noted that many tuna fishermen may rely on their Category D permits during some time of the year.

MOTION #19 CARRIED UNANIMOUSLY.

Establishing Criteria for Midwater Trawl Vessel Access to Groundfish Closed Areas

Ms. Steele described some potential mechanisms for establishing criteria for midwater trawl vessel access to groundfish closed areas. The first was to implement the alternatives through a groundfish action, possibly a framework adjustment. The second was to implement the alternatives through action with the Groundfish Committee. The third mechanism would require adopting the groundfish closed areas into the Atlantic Herring FMP. She noted that in all three cases, the Groundfish and Herring PDTs and Committees would likely need to coordinate work.

Mr. Stockwell explained that the Groundfish Committee was finishing Framework 45, and therefore it is too late to include the measures in that action. He suggested instead that a recommendation be made to the Groundfish Committee to develop a complimentary action. Ms. Tooley noted that the Framework contained specifications for both the US and Canada, and therefore could not be slowed down. She suggested that a full council discussion was needed, with the intention to include the measures in a future framework.

Mr. Libby supported keeping the options in the Amendment 5 document. Mr. Blount understood the need to keep the options in the document, but did not see the use of them without a groundfish action. He suggested that perhaps the Groundfish FMP could be modified to allow the Atlantic Herring FMP implement measures. Ms. Goodale confirmed that there would need to be a groundfish action even if the measures were implemented through the Atlantic Herring FMP. Ms. Steele noted that the most straightforward options would be to make Amendment 5 a joint framework with the Groundfish Committee or just simply do a groundfish framework adjustment. Ms. Tooley pointed out that both PDT's would need to be involved, and she therefore thought that input was needed from the full Council.

20. MOTION: TERRY STOCKWELL/MARY BETH TOOLEY

That the Council prioritize a joint Groundfish/Herring Action (as part of Herring Amendment 5) to establish criteria for midwater trawl vessel access to the groundfish closed areas

Discussion on the Motion: Ms. Tooley thought the Council should make this decision. Mr. Fleming stated that he does not think that a joint action was needed, and that criteria could be set up in the FMP to regulate the herring fishery, so that there would not be a need for further delay. Several audience members wanted the options to move forward in some way.

MOTION #20 CARRIED UNANIMOUSLY.

Measures to Address Interactions with the Mackerel Fishery

Ms. Steele described the measures to address interactions with the mackerel fishery. She noted the measures are proposed to address mackerel that did not qualify for limited access herring permits and may be discarding large amounts of herring, as the Category D permit holders are only allowed 6,600 pounds. Ms. Tooley described Amendment 11 to the Mackerel FMP and noted that it was open for comments until October 12, 2010, and that the MAFMC was trying to align herring and mackerel measures. She suggested that Amendment 5 mirror the mackerel amendment and noted that one alternative in the mackerel amendment would allow for 20,000 pounds if the herring vessels doesn't qualify for a limited access mackerel permit. She therefore suggested that Amendment 5 also consider an allowance of 20,000 pounds for mackerel vessels that do not qualify for a limited access herring permit.

21. MOTION: MARY BETH TOOLEY/MIKE LEARY

To amend Section 5.1.3 (Mackerel Alternative 3) that would increase the open access possession limit to 20,000 pounds in Areas 2/3 only for vessels that also possess a limited access mackerel permit

Discussion on the Motion: Mr. Fair asked if there were control dates in use in the mackerel plan, and Ms. Tooley responded that there were, but that none could be described easily. Ms. Tooley noted that if the motion passed, there would be three options in the document, one for 10,000 pounds, one for 20,000 pounds and another for 25 mt. Ms. Steele explained that this option that would be directly tied to limited access mackerel permit holders, and suggested that the other options be modified to include this connection. Mr. Kaelin explained his involvement with the mackerel amendment and pointed out that only about 128 Category D vessels have mackerel permits, and none of them are taking close to 25 metric tons. He also noted that there

would be an open access mackerel permit and suggested that there be the same allowance for the open access permit holders participating in the mackerel fishery.

MOTION #21 CARRIED UNANIMOUSLY.

Measures to Protect Spawning Fish

Ms. Steele explained that no work had been done on options to protect spawning fish since the Executive Committee/Council added the issue to the amendment. She asked for Committee guidance on how to proceed in addressing it. Mr. Stockwell recognized that the past year had been difficult for the fishery, despite Area 1A spawning protection. He also recognized the need to protect the spawning fish in the other areas for the future and strongly supported keeping the measure in the amendment. He proposed taking it to the Council to make sure it's still a priority with the understanding that if it is, then moving alternatives forward for the Draft EIS would have to wait until at least the November meeting. Mr. Libby agreed with keeping it in the document. Mr. Grout asked if there was any data to determine spawning activity on Georges Bank, and Ms. Tooley replied that NMFS scientists had difficulty identifying spawning times for the acoustic survey.

Ms. Steele asked the Committee to be reasonable about the time frame and the work that needed to be done, noting that the PDT had not done any analysis yet. She also noted that the analysis would be a large undertaking. Dr. Cieri thought that the work would take around three months to complete, because the same GIS maps as the herring hotspot analysis would need to be produced. He explained that an ASMFC action addressed the same issue from inshore, and took two scientist a half a year to analyze. Mr. Grout thought it would delay the amendment by at least a year, because timelines and how many spawning fish to save would also need to be determined.

Mr. Robbins felt the issue was simple, that herring should be protected when spawning by a three-tier punishment system similar to his comments from the previous night. Mr. Paquette suggested that the same move along rules from the hotspot section be applied the spawning fish section, with a simple benchmark for the move along and thresholds. Mr. Kaelin agreed that the dates would be difficult and should not be glossed over, and described the Canadian effort on spawning fish.

Ms. Steele drew attention to a Cape Cod Commercial Hook Fishermen's Association letter in the correspondence packet, relevant to the issue. Mr. Rudolph expressed hope that the Committee could take action to request some more information at this meeting. He suggested that explanation of the existing regulations and information about spawning is important and should come forward to the next Council meeting. He felt that action on the issue was critical, and that public information was lacking. He suggested that the management boundaries be reconsidered and sited the possibility of multiple stocks on Georges Bank. Dr. Cieri requested that the Committee be specific about goals and objectives, as well as the time and area strata that they wanted, as it would speed up the analysis. Mr. Ellenton supported removing the section from the document until the goals became clear. The Committee took no specific action on this issue and agreed to move it forward for further discussion by the Council in September.

Ms. Steele asked the Committee to clarify how it wanted the Amendment 5 document to move forward. Mr. Grout recommended that each section of the document be presented with each of the items that are in it, and that the places that need development be outlined. That way, the Council could decide what to do with the document – move forward a part of it, send it back for further development, or any other option.

Outstanding Issues, Other Business, Public Comment

Ms. Tooley mentioned recent concerns about the haddock catch cap. A letter provided by NMFS brought the Committee up to date with the status of the current catch cap, and Ms. Tooley noted that this is an issue for the Groundfish Committee to consider.

Mr. Paquette, representing the Recreational Fishing Alliance, informed the Committee of his intent to stage a protest at the next Council meeting against how the herring fleet is being managed off the Cape Cod. He described a recent incident in which many herring were present on the backside of Cape Cod before Memorial Day, and were feeding the striped bass, and that they were depleted in one week by five boats from the herring fishery. When the herring left, the pollock and bass left too, and a dead humpback whale arrived in the area, although the cause of death is unknown. He noted the financial importance of the recreational fishery in that area, and asked for help. Ms. Tooley brought up some conversations she had with the vessels working in that area, in which the vessel operators suggested that the observer coverage was very high. She suggested that Mr. Paquette talk to the observer program to determine if juvenile fish were being landed, as he had suggested.

Mr. Robbins felt that draggers should be removed from the industry, as seiners do not catch haddock, but are punished by the cap regardless.

The Herring Committee meeting adjourned at approximately 5:45 p.m. on September 2, 2010.

