

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Public Hearing Summary

Amendment 4 to the Herring Fishery Management Plan

**MA DMF Annisquam River Station
Gloucester, Massachusetts
January 6, 2010, 5:00 p.m.**

Hearing Officer: David Pierce

Other Council Members in Attendance: None

Council Staff: Lori Steele, Talia Bigelow

Attendance: approximately 6, including Steve Weiner, Peter Mullen, David Ellenton and Jon Johnson

Dr. Pierce introduced the staff in attendance and provided some opening comments about the Draft Amendment 4 document. Talia Bigelow briefed the audience on the Draft Amendment 4 Document. After an opportunity to ask questions for clarification, public comments were taken.

Questions for Clarification

- Dave Ellenton asked what would happen under Amendment 4 should an underage occur
- Dave Ellenton also asked for clarification regarding the removal of the reserve.
- Dave Ellenton also asked for clarification into the public hearing process

Public Comments

Dave Ellenton, Vice President Western Sea Fishing Company, Owner/Operator of fishing vessel Challenger, Endeavour, Voyager (mid water trawlers) and the purse seiner Miss Lanie, Plan B, and General Manager and Vice President of Cape Seafoods (processing plant in Gloucester, dedicated to herring and mackerel species for all the various markets)

I would first of all make a general comment about the amendment itself. I know this amendment started out as a much different amendment – I mean this is not your grandmother’s Amendment 4; the original **Amendment 4** had the **Amendment 5** catch monitoring questions in it and I think initially it even had more to do with specifications to some degree. So this amendment is now a completely watered down, primarily administrative and procedural amendment. As such I often commented on how much work goes into something like this; there’s 176 pages on this draft amendment and in this draft amendment, it also refers to Amendment 1 to the FMP, which is another 800 page document and, frankly, with all of the time constraints that the staff have and we hear that they have, continually, I just think that somebody, some time should, in an amendment as simple and straight forward as this, consider just coming up with a document that’s this big, which was the presentation. The presentation wasn’t this; the presentation was this, because that tells you everything, and it’s 12 pages. So that’s just a general comment. In support of some of our scallop friends when they get concerned that the scallop issue is not going

to get brought up because the staff of the New England Council don't have the time to deal with it, then I suggest they come up with some creative ways of reducing some of these amendments down to 12 page documents. I'm sure the staff would be more than willing to do that.

The Sustainable Fisheries Coalition will be sending in a letter. I don't think Jeff Kaelin has finalized the letter that's going to come to you folks. We have a number of comments, and really for the sake of brevity, having just said what I did about the amount of paperwork that's there and I am not going to go through any or all of them. We will be sending our comments in writing by the date in January. And we will comment on such things as the exclusion of some of the items in the specifications process. For instance, **I don't see a good reason to eliminate the reserve in the process.** I apologize for missing it during the period when it was actually voted on. If there's any potential, even if the reserve is zero, at least the line item is there so at some time in the future, when we all come to our senses and realize that there are actually more fish than were being allocated. If somebody feels that there is and they don't quite want to allocate them it yet then they could put it in reserve because at one at one time we had 80,000 tons in there. You know, we could be totally controversial and say why eliminate **IWPs, JVPs, and TALFF** as well. If the quotas continue to go down, and people go out of business, then people go out of business and the fish don't know that. They keep spawning and the stock keeps growing and then all of a sudden there's a huge amount of fish again for a fishery that doesn't exist, for vessels that have gone to the wall, and shore plants close. And so maybe if, even if the **TALFF** and the **JVP and the IWP** are set at zero, one day maybe they'll be something that the American fishermen will want to do again. Might not find many of them that would say so yet, but I just like to look forward. So, enough said, you'll get comments from the Sustainable Fisheries Coalition, you'll get comments from Cape Seafoods and Western Sea Fishing Company.

Steve Weiner, CHOIR Coalition

- Mr. Weiner began by asking for clarification regarding where forage gets factored into the specifications process. He then asked to clarify if it would be a scientific issue if the natural mortality was too low based on low consideration of forage.
- Dr. Pierce asked when the next assessment is scheduled, and Ms. Steele explained that although there is hope the schedule will be expedited, the next assessment is expected in 2012.
- Dr. Pierce then pointed out that the primary goal of the amendment is to ensure compliance with the new measures of the MSA, and that the amendment is certainly administrative and procedural. He then pointed out that another goal of the amendment was to consider the health of the herring resource and the important roll of herring as a forage fish. He noted that it is a high priority issue for the Council, and that's why the benchmark assessment is so important to get done as soon as possible.

Peter Mullen, Fishing Vessel Western Venture, Osprey, and Western Wave

My question is on page 10 of this document here. On the overage, that it be carried over, if we go over, that it gets carried over to the following years. Why don't we have some stipulation in there that we, because the season gets closed that we don't get too much overage, that that's quota

that's still left be carried on for a three year period. And you can use that as a safety so as you're get into the second year you can get closer to getting the full quota after the following two years? If it's a three year specification. It would seem very fair that if you're going to do it one way that you should try and compensate on the other side if we don't catch the fish that we carry it over for three years and then start again.

- Dr Pierce asked for clarification on Mr. Mullen's question, inquiring if he meant that if there is an underage in one year that it be carried it over into the next year, as compensation.

Not so much additional herring to harvest but that you've built in a safety and you can come closer – like in area 2 last year there were 15,000 ton leftover. If you carry that over, when you go to close the season this year, if we catch the quota, you can come closer to it. Let's say its 20,000 ton. You can take 20,000 ton because you got a 15,000 ton safety built in from the previous year

- Dr. Pierce asked for further clarification, inquiring if there was an underage one year, the AM next year could be 100% instead of 95%.

It could be 100% and not to go over it any year but you could go to the full quota every year for the following two years if it's a three year specification process.

Dave Ellenton, Vice President Western Sea Fishing Company, Owner/Operator of fishing vessel Challenger, Endeavour, Voyager (mid water trawlers) and the purse seiner Miss Lanie, Plan B, and General Manager and Vice President of Cape Seafoods (processing plant in Gloucester, dedicated to herring and mackerel species for all the various markets)

- Mr. Ellenton asked for further clarification regarding the specification process as defined in the Draft Amendment 4 document.

A couple of comments - does this document change that if we don't have specifications on the first of January for the fishing year that starts on the first of January there is a rollover provision, so that we can fish on the previous years specifications? That's still in place? That's not going to be deleted from us while we look the other way?

- Ms. Steele clarified that yes, the provision is still there.

The timing really is a difficult one to ensure that we do start the New Year with specifications. Ideally to be effective on Jan 1, specifications should be submitted to NMFS by September the first. Well, I think we've tried in both herring and mackerel to send them to NMFS earlier than September 1, and we still haven't gotten them in place. For mackerel it's much more critical, but even for herring, like in Area 2 where the quota can get caught in the first four months of the year if we're not careful. We could have that quota caught based on the previous years specification and then the actual specifications coming out and there's no way to deal with that. I don't know anyway, I shouldn't speak for everybody else, but I would suggest that obviously it can't be done for this year, but I would suggest that the specifications process starts very early in a calendar year so that we do try and get specifications in place by the first of January, by the first of December so that we all know what we're dealing with in the next year.

- Dr. Pierce asked a clarifying question about the timing of the process and Ms. Steele responded.
- Mr. Ellenton asked if there was anything in the document to change or support the review of the specifications during the three year specification period if there's an obvious change in the fishery, and pointed out that there's not only a problem but some possible benefit from changing the specifications in the third year. Ms. Steele clarified that the Council can always change the specifications if need be.
- Dr. Pierce asked a clarifying question about the interaction between the SSC and the herring PDT and the timing of their interactions. He then noted that the herring PDT does good work, and asked about the order of the interaction between the SSC and PDT. Dr. Pierce then stated that he felt the proposed process was the correct way to conduct the process.

Jon Johnson, Fishing Boat Engineer (Western Wave, Western Venture, Osprey, and many others)

I was listening to you mentioning hope, and we are hoping we can get a new benchmark assessment. I don't hear a lot of people speaking on behalf of labor around here, so allow me to speak on behalf of some of the guys who work on the boats. We're a little concerned about the science and wonder, if we have this potential decline in fishing – we haven't said the stocks overfished but, since there's the potential of that – is there any way we could move past hope and maybe get a benchmark assessment done sooner?

- Dr. Pierce clarified that the SSC, MAFMC and NEFMC have all called for a quicker benchmark assessment, and Ms. Steele explained that a letter from the Executive Director of the Council asking for the same thing was sent recently.

I have a request that maybe labor needs a voice on this board. Because I don't really see a lot of people worrying about the working class guy here, you know. I see a lot of fish politicians and boat owners and stuff and you don't really see very many people – it definitely seems as if labor has much of a voice here.

- Dr. Pierce responded that many individuals on the council pay attention to the needs and wants of the laborers themselves, but noted the importance of such laborers expressing their concern, as Mr. Johnson was doing.

Dr. Pierce and Ms. Steele clarified that comments due by January 13, and Monday the 25th the Herring Committee meets from 1-5 in Portsmouth NH, and the Council meets on the 26th to discuss the amendment.