



New England Fishery Management Council

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DRAFT MEETING SUMMARY

NEFMC Herring Advisory Panel

Sheraton Harborside Hotel, Portsmouth NH

November 9, 2009

The Herring Advisory Panel on November 9, 2009 in Portsmouth, New Hampshire to: review the draft 2010-2012 Atlantic herring fishery specifications, options for total allowable catches/annual catch limits, and all available related analysis; develop AP recommendations regarding 2010-2012 specifications for the Herring Committee/Section to consider on November 10; review Herring Committee work on catch monitoring alternatives to be included in Amendment 5 to the Herring Fishery Management Plan (FMP); discuss issues related to reporting, herring Letters of Authorization (LOAs), and proposed measures to address LOAs, carrier vessels, and transfers at sea; develop AP recommendations as appropriate.

Meeting Attendance:

Herring Advisory Panel: Peter Baker, Jennie Bichrest, Peter Moore, Dave Ellenton Jeff Kaelin, Don Swanson, Vito Calomo, Al West, Peter Mullen, Chris Weiner, Spencer Fuller; *Others:* Frank Blount, Herring Committee Chairman, and several other interested parties.

Review and Discussion of the Draft 2010-2012 Specifications Document

Ms. Steele presented an overview of the options and analysis of impacts with regards to the 2010-2012 Atlantic herring fishery specifications. This included an overview of the total allowable catch (TAC) or sub-annual catch limits (ACLs) including projections for overfishing level (OFL) and acceptable biological catch (ABC). The presentation also included an outline of the risk assessment with both the methods used and an explanation of the results. She also presented a detailed overview of the economic impacts which highlighted the potential implications of the planned reductions and increases in costs for the fisheries. She also noted the difficulties that the lobster industries may face as a result of the reduction. She summarized the issues that the Herring Committee/Section needed to address at this meeting and summarized the timeline and noted that the Committee would make its recommendations to the Council at the November 17-19, 2009 Council meeting in Newport RI. Several questions were asked by Committee and audience members following the presentation:

- Mr. Ellington expressed his dissatisfaction that the SSC would be meeting after the Advisory Panel, and that the Advisory Panel would not know what the SSC decides until after they have made their own recommendations. Ms. Steele responded by suggesting that everyone

call in listen to the SSC discussion. She also explained that while the Options in the specifications package could be scaled up based on any SSC decision, the inshore area would not be scaled up as well. She further explained that the Council will need to decide what the SSC's decisions mean for next years specifications. Her suggestion was that extra fish may go to Area 3, but that predict is difficult. Mr. Ellington then stressed how uncomfortable he was with the information available to work with; with a buffer spread between 40% and 17%, he noted that decisions will be difficult. Ms. Steele replied that even if the SSC changes the ABC it doesn't change risk assessment.

- Mr. Kaelin described the he found the risk assessment troubling. He added that the fishing mortality (F) at maximum sustainable yield (MSY) was not reasonable, and that Option's 4-6 reductions are based on a rate of fishing that doesn't seem reasonable. He asked if a peer review of the risk assessment was possible. He stated that Options 4-6, in his opinion, should be rejected, as they show a complete lack of reality of the fishery.
- Ms. Steele replied the PDT does is not usually subject its analysis to a peer review, because the analytical tools do not need to be peer reviewed. She added that it is the Committee and Council's decision to ask for a peer review. The risk assessment could be brought to the SSC, but the analysis is sound. The problem lies, she explained, in the inputs (the assessment), which everyone has accepted as best available science. She further explained the she did not believe there was a better way to do the risk assessment. Mr. Kaelin responded by pointing out that not everyone has accepted the assessment, and added that the only good advice it produced was that the fishery is not overfishing the stock. He then emphasized the need for a new assessment.
- Mr. Gehan noted that the package itself is predicated on Amendment 4 and seeks to accept terms that don't exist in plan. Given that the Amendment underpins the entire specs package, he reminded the audience that the ACL requirement is to have an ACL in place by 2010 and that until the Council completes work on Amendment 4 there is no mechanism to set ACLs. He continued, noting that the Panel could advise the Council to use the OFL of 145,000mt for next three years, and put in place a buffer based on Council recommendations, have fairly substantial buffer put in place and then press for a new assessment. He then inquired how reference points are created for the sub-stocks of herring.
- Mr. Kaelin inquired if the Council asked the PDT to analyze the benefits of the complete spawning closures. He stated the need to understand the biological implications of closure such as the impacts on recruitment. Ms. Steele replied that the information was already in the analysis, in that if there is a closure it is considered in the analysis.
- Mr. Calomo was touched by the economic and social impacts that may prevail, and stated that he does not see such drastic steps need to be taken when the stock is not overfished and overfishing isn't occurring. He added that it is very simple to send fishermen offshore, but with the movement of the groundfishing fleet to offshore there were many fatalities and sinkings, which could happen with the herring fishery as well. He then said that problems with the scientific data need to be considered before endangering fishermen's lives.
- Mr. Moore inquired if the average catches from the last 5 or 10 years from the fishery were considered. He then pointed out that the long term averages show a different story. He then noted that Options 4A down would wipe out the fishermen. He asked if the Committee and PDT were comfortable destroying the lobster fishery based on scientific uncertainty, and asked about the long term average's place in the analysis. Ms. Steele replied that Option 1 is based on 10 yr average catch and said that the Committee asked for a historical Option based

on where fish have been caught in the last 10 yrs, and so that is reflected in Option 1. She then explained that the what the fishery has caught in last 5, 10, and 15 years has been discussed, but is not in the Options the PDT has been directed to produce.

- Mr. Kaelin explained that one of his the biggest concerns is the impact to the mackerel fishery, and he feels that the impact in Area 2 will be very important, as they catch herring incidentally.

Development of Recommendations on ABC/OY Alternatives and TAC/Sub-ACL Options

Mr. Calomo asked for an informal presentation on the economic impacts from Mr. Kitts. Mr. Kitts therefore walked through the economic analysis that he had performed, and clarified the major points in the analysis, such as his figure of 130 thousand dollar loss being a potential loss, not an actual loss at the recent level. He also specified that it is very hard to predict how prices will respond, so he assumed that recent year's prices behavior will continue in the future. There were a few responses to the presentation:

- Mr. Calomo then expressed his concern about the economic and social impacts to the lobster industry, and further worried that foreign countries may begin to ask for a TALFF. He mentioned that people around the world are crying out for this protein and that the outcry going to be far beyond what is being predicted
- Mr. Kitts explained that the task he as charged with was to describe what the Options will mean economically, to a reasonable extent. He then explained that he thought the fisheries ability to cope would be based on what the fishery could extract out of Area 3.
- He added that he had not had the time to do an input-output analysis about how the losses might filter through the economy.
- Mr. Ellenton described a trip to a New Beford plant last week and the devastation it is facing.
- Mr. Moore pointed out that the goal is to catch OY, shouldn't be discounted that the number is not a real for the industry. He further noted that 13.6 million is an ex-vessel number, and that there is no multiplier associated with it. Mr. Moore explained that Dan Georgianna at SMAST did some analysis for New Bedford and used an economic multiplier of 3 or 4 times that to get to the number for the whole area. He added that these Options were not just going to effect New Bedford and south coast, but whole coast.
- Mr. Baker asked Mr. Kitts if he had looked into the social and economic costs of the collapse of the inshore Gulf of Maine stock complex and what that would mean to the coastal communities. Mr. Kitts replied that he had not, and could not by the time of the Council meeting the next week.

Mr. Calomo inquired if Madeleine Hall would be permitted to give and informal presentation as well. Ms. Hall therefore presented a short overview of her social analysis, which she emphasized was based on the economic analysis. She mentioned that she was unable to do a full analysis because she did not expect to have this in a document until Amendment 4, but that touched on some of the major issues as the changes were proposed.

- 1. MOTION: JEFF KAELIN/DAVE ELLENTON**
Reject Options 4A, 4B, 5, and 6

Additional Discussion on the Motion: None.

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MOTION TO SUBSTITUTE: PETER BAKER/CHRIS WEINER

That the Herring AP Support the Herring PDT's Risk Assessment and would like to see it peer reviewed by the SSC

Additional Discussion on the Motion:

- Mr. Kaelin pointed out that he had not seen anything from the SSC that suggests a problem with exploitation rates on the stock components
- Mr. Baker moved that this motion be rejected, because the decisions ought to be based on the best available science and that is what the SSC has given.
- Mr. Kaelin expressed that he did not feel that the SSC was the appropriate peer review group, as it is not their expertise, and when asked who would be, Mr. Kaelin suggested a Council of Independent Experts

FRIENDLY AMENDMENT/MOTION TO SUBSTITUTE

That the Herring AP support the Herring PDT's Risk Assessment until an independent peer-review can be conducted

Additional Discussion on the Motion: None.

MOTION TO SUBSTITUTE FAILED 3-8

MAIN MOTION #1 CARRIED 8-2-1

Mr. Kaelin inquired into the specificity needed for the recommendations being made, to which Mr. Blout replied that the hope was for fairly specific recommendations. The hope was that the recommendations could be scaled up or down based on the SSC's decision. Mr. Kaelin expressed optimism that the SSC would decide to go with the status quo until a new assessment could be produced, as it would be a fairly risk adverse option, with something like five year catch averages being used. He went on to describe an option in which the 145,000 mt OFL would be used with a 29,000mt buffer for scientific uncertainty, and asked other peoples opinion of what to do for 2010. Mr. Ellington agreed and suggested that the current specifications be rolled over into 2010, as he did not see anything that would justify reducing current level of catches.

Mr. Blout pointed out that with the previous motion, Options 4 and on have been eliminated, but that 1-3 are on the table. He then emphasized that the Options presented are considered to be as far of measures as need to be taken. He suggested that the Panel assume no change will come from the SSC and try and figure out an alternative that would work. Ms. Steele then asked to get some sort of statement regarding the risk assessment from the panel, in terms of what elements

are done incorrectly or inappropriately. She asked that people not just disregard the risk assessment and ask for a peer review; if rejection is the answer but the industry is significantly over F at MSY, how should the Council go about reducing the risk to the inshore component. She also asked that if any Options were created that they be clearly defined and explain how the Committee can reduce the risk of overfishing in the inshore component.

Mr. Kaelin pointed out that there was no advice given from the SSC or the TRAC that suggested that the stock complex is at risk of overfishing. He went on to criticize the whole risk assessment, as he felt it is based on an exploitation rate in the summer that is too high. Ms. Steele told the Panel that typically when there is a stock complex with individual components most of reference points fall within a similar range. Ms. Steel then read a statement from the 2003 SSC report that reflected concerns about the distribution of the catch between management areas and the importance of minimizing the risk of overfishing any individual stock component.

Mr. Kaelin pointed out that the SSC has never commented on the differences between the offshore and inshore complexes, but that they have made general statements about being precautionary with fishing different stock components. Mr. Ellington then responded that the fishing in Area 1A is already as conservative as it can be.

2. MOTION: JEFF KAELIN/JENNIE BICHREST

That for fishing year 2010, the current specifications be rolled over and that for fishing years 2011 and 2012, US OY be equal to the average catches from the period 2001-2008

Additional Discussion on the Motion: Several points of discussion were raised in regards to Motion # 2:

- Mr. Kaelin pointed out that with Amendment 4 not in place, there ought to be enough flexibility in the law to roll over the specifications from 2009, as it is unlikely that entire OY will be caught. He also explained that there was no indication that the current level of fishing effort is risking a stock collapse.
- Mr. Weiner described similar issues with tuna, and noted that he has learned to follow what the science recommends and therefore he stated that it was difficult to support the motion. Mr. Kaelin countered by explaining that the scenario would only be in place until the new benchmark in 2012, and reiterated that the current assessment is flawed and needs to be rejected.
- Ms. Bichrest mentioned that the tuna fishermen she had talked to had seen more herring; and went on to express support for the motion, stating that the status quo will not overfish the stock and will keep people employed.
- Mr. Calomo expressed a desire to minimize small fish catches and asked to see analysis of the benefits of the spawning closures.
- Mr. Baker explained the he believed the Panel should not ignore the best available science and break the law.
- Ms. Steele requested clarification on the breakdown of the proposed motion, to which Mr. Kaelin replied that they had not decided on the breakdown but would leave that decision making until tomorrow. He said he had seen strong support for Option 2A or Option 3, but that it was dependent on how big OY is and how the options affect the yields in the area. To

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him it was not realistic to expect catches in 1A to be higher than they have been, but he pointed out that Alternative 1 in Option 2A has a higher exploitation rate than is currently utilized.

- Ms. McCarron stated that the MLA supports the motion being considered and supports the science, but further stated that these Options are going to devastate the industry. She emphasized that the science is uncertain, and asked to buy more time to get an assessment in place that has better certainty. She further noted the SSC's statement that current landings among the management areas are still producing an abundant stock, and thought that the proposed motion would give her and her industry enough time to dodge severe impacts.

MOTION #2 CARRIED 8-2-1

Development of Recommendations: DAH, DAP, JVP/IWP, USAP, Reserve, TALFF, BT, Fixed Gear Set Aside, Research Set Aside

3. MOTION: PETER BAKER/CHRIS WEINER

That the AP accept the Herring Committee recommendations for JVP/IWP, BT, TALFF, Reserve, Research Set-Asides, and USAP

Additional Discussion on the Motion: Mr. Calomo asked for clarification that all 4 were being set to 0 and BT to 4000. Mr. Calomo then stated a desire to have the 3% RSA left in. Mr. Ellington asked about the logic behind the RSA decision and why no research was being supported. Mr. Kaelin responded that the RSA is only used in 1A, and in order to reserve as much of the quota as possible in that Area, no RSA would be set aside. Mr. Ellington replied that although he was not going to lose sleep over the decision he would not like to lose opportunities for research.

MOTION SPLIT: FIRST MOTION

That the AP accept the Herring Committee recommendations for JVP/IWP, BT, TALFF, Reserve, and USAP

FIRST MOTION CARRIED UNANIMOUSLY

MOTION SPLIT: SECOND MOTION

That the AP accept the Herring Committee recommendations for research set-asides unless the TACs remain at or close to current levels

SECOND MOTION CARRIED UNANIMOUSLY

4. MOTION: JEFF KAELIN/VITO CALOMO

That the fixed gear set-aside be reduced proportionately based on the distribution of TACs in Area 1A through the three-year period

Additional Discussion on the Motion: Mr. West inquired if the fixed gear set aside had been used in 2009. Ms. Steele clarified that there was information about the fixed gear fishery in the specifications package, which indicated that approximately 250mt were used, but that the full 500mt has not been utilized, and that the quota goes back to fishery if not utilized. Mr. Ellington clarified that this was done on November 1st of each year.

MOTION #4 CARRIED 7-1-2

Mr. Kaelin inquired if it would be appropriate for the PDT to take a look at what that motion number would be, and consider Options 2A and 3 and figure out how they would break down. He then clarified that some of the Panel could do it themselves overnight. Mr. Blout replied that Ms. Steele was not able to do such analysis, but Ms. Steele herself suggested the averages on Page 48 of the specifications package as a starting point.

The Herring Advisory Panel Meeting adjourned at approximately 3:00 p.m.