

Amendment 4 to the Atlantic Herring FMP:

Overview of Scoping and Progress Update

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Amendment 4 Scoping Period

April 18 – June 30, 2008

- April 30, 2008 – Holiday Inn, Peabody MA (Herring AP Meeting)
- May 22, 2008 – Clarion Hotel, Portland ME (Herring Committee Meeting)
- June 2, 2008 – Holiday Inn By The Bay, Portland, ME
- June 10, 2008 – Sheraton Hotel, Atlantic City, NJ
- Written, fax, and email comments through June 30, 2008

A4 Scoping Comments

Industry Representatives and Counsel (herring, tuna, groundfish)	Cape Cod Commercial Hook Fishermen's Association (CCCHFA)
Bumblebee/Stinson Seafoods	National Coalition for Marine Conservation
Ocean Spray Partnership	Conservation Law Foundation
Small Pelagic Group	Coastal Conservation Association
American Pelagic Association	CHOIR
Garden State Seafood Association	Oceana
Sustainable Fisheries Coalition (midwater trawl)	Herring Alliance
Maine Lobstermen's Association	Northwest Atlantic Marine Alliance
Stonington Fisheries Alliance	Swan's Island Fishermen's Co-op
Midcoast Fishermen's Association	Numerous Individuals (fishermen, citizens, members of organizations)
ASMFC Representatives	Downeast Lobstermen's Association

A4 Scoping Comments

- About 15-25 attended scoping meetings
- ~ 20-25 detailed written letters
- ~ 150 letters from “river herring advocates”
- 634 batch post cards from CHOIR members (100% catch monitoring, certify landings, inshore buffer zones)
- ~6,518 emails (buffer zones, 100% obs)
- ~475 emails (full retention, predator set-asides, weighmaster)
- 1,879 emails to Paul Howard (buffer zones, 100% obs)

A4 Scoping Comments - Papers

- *Herring Fishery White Paper – Legal Issues and Management Options (Kelley, Drye, & Warren)*
- *Out of Balance: Industrial Fishing and the Threat to Our Ocean; Empty Rivers: The Decline of River Herring and the Need to Reduce MWT Bycatch (Herring Alliance)*
- *The Ocean's Keystone Species at Risk (CHOIR)*
- *Trophic Ecology of Atlantic Cod: Insights from Tri-Monthly, Localized Scales of Sampling (Oceana)*
- *Draft Report for the Feasibility of Electronic Monitoring in the New England Small Mesh MWT Fishery (CCCHFA)*
- *Sea Change: Ecological Progress in U.S. Fishery Management; Practical Approaches to Ecosystem-Based Fishery Management (CCCHFA)*

Catch Monitoring (Scoping)

- General agreement to improve catch monitoring and make it more real-time/transparent
- Industry suggestions for improving reporting and real-time TAC monitoring
- Widespread support for 100% monitoring through a combination of at-sea and shoreside
- Industry support for expanding dockside monitoring and port sampling (cost effectiveness, efficiency)
- Consider comments/suggestions from Herring Advisory Panel
- Long-term funding is a major issue/concern

Bycatch Concerns (Scoping)

*RIVER HERRING – species of greatest concern

- Need more and better data first – what are the species of most concern and where are the hotspots? (Examine existing data first)
- Redirect funds for more observer coverage
- Require all catch/landings to be sorted and weighed by species
- Full retention (no dumping)
- Look at models from other regions (weighing, sorting, and certifying high-volume catch)
- ASMFC Involvement
- Mackerel bycatch concerns – industry and AP suggestions

ACLs/AMs (Scoping)

- TACs are ACLs – already conservative
- Support for SSC involvement in setting ACLs and AMs – input on predator-prey relationships
- More accounting of predation/forage in stock assessments and ACL setting
- ACLs for other species caught in herring fishery
- AMs – in-season adjustments, fishery closures, paybacks/corrections for overages
- Industry – ways to encourage full utilization of OY
- Concerns about NMFS guidelines and timing

Forage/Predator-Prey (Scoping)

- Assess and manage herring as a keystone species in the ecosystem
- Incorporate new research (cod feeding, other)
- Transparent and adaptive process for incorporating new research into assessment and specification (ACL/AM) process
- SSC examination of ACLs in an ecosystem context
- Closures to protect predators?
- Consideration/evaluation of management measures relative to EFH

Quota Allocation (Scoping)

- Industry support for quota allocation (sectors and/or IFQs) somewhat split – more support for sectors, but not overwhelming support for either (ex., see Herring AP vote)
- Vast majority of non-industry interests oppose quota allocation in Am. 4 (time/resource constraints, need for better catch monitoring first, not enough industry support)
- December 31, 2006 “control date” for quota allocation appears to be controversial
- Limited Access White Paper

Other Issues/Suggestions

- Buffer Zones (Inshore, 50 miles)
- Specific measures to address river herring bycatch (caps, closures in hot spots)
- Prohibition on midwater trawling in groundfish closed areas
- Prohibition on midwater trawl gear across the fishery
- Other gear restrictions (purse seine size, midwater trawl restrictions)
- More research, more funding, more \$

Amendment 4 Meetings

(During and After Scoping)

- April 30, 2008 – Herring AP
- May 22, 2008 – Herring Committee
- July 30, 2008 – Joint Herring Committee/Advisory Panel
- August 14, 2008 – Herring PDT
- September 30/October 1, 2008 – Herring Committee
- October 7-9, 2008 – NEFMC

Catch Monitoring Program

Section 2.0, Am. 4 Discussion Document

- **Measures to Improve Reporting and Real-Time Quota Monitoring**
 - Changes/Additions to Regulatory Definitions
 - Changes to IVR and VTR Reporting (Frequency, Deadlines)
 - Incorporation of State-permitted vessels (ASMFC)
 - Outreach and Education
- **Measures to Address Transfers At-Sea**
 - Currently unrestricted, vessel-to-vessel, no permit required for receiving vessel (bait)
 - Continue allowing carrier vessels – define carrier vs. carrier/dealer
 - Restricting transfers to Federally-permitted vessels; requiring written receipts; work with ASMFC re. sales to lobster vessels
 - Establish regulatory definition of “transfer at-sea” for the herring fishery

Catch Monitoring Program

Section 2.0, Am. 4 Discussion Document

- **Eliminating Reporting Redundancies/ Streamlining**
 - Consistent trip declarations and requirements for targeting herring vs. mackerel
 - Re-evaluate call-in requirements for observers (area fished, timing, options for notification)
 - Increase efficiency of call-in and notifications (incorporate into VMS program?)
 - Eliminate VMS power-down provision
- **At-Sea and Dockside Monitoring Programs/Measures – TBD; Committee is seeking additional guidance from Council**

ACLs/AMs

Section 3.0, Am. 4 Discussion Document

- Final Rule re. NS1 Guidelines Pending (comment deadline was September 22, 2008)
- Herring Committee has not yet discussed in detail
- Herring PDT held preliminary discussions, waiting for additional guidance
- Herring fishery managed by Hard TACs but may require modifications to fishery specification process and/or additional accountability measures
- Development of ACLs for non-target species not clear, not yet addressed
- Opportunity to incorporate forage/predator-prey issues as appropriate
- NMFS and Council staff, Herring PDT to discuss further in near future

Measures to Address Bycatch

- **Herring/Mackerel Fishery Interactions**
(Section 4.0 Am. 4 Discussion Document)
 - Incidental catch for mackerel vessels that do not qualify for limited access herring permits (currently 3 mt open access permit)
 - Options to increase open access possession limit to 10,000 pounds – 25 mt in Areas 2/3 only
 - Possible linkage to Mackerel limited access permit
 - PDT Concerns about creating opportunities for directed fishing in Areas 2/3 (capacity, creating history/quota allocations)
 - Address/adjust in the future through framework adjustment and possibly fishery specification process

Measures to Address Bycatch

- **River Herring**
 - ASMFC Analysis – *Estimating River Herring Bycatch in the Directed Herring Fishery*
 - Information very limited, highly variable, but bycatch and mortality does occur
 - Committee Recommendation – Request PDT to craft alternatives for time/area closures to protect the southern New England/Mid-Atlantic runs of river herring (including Cape Cod area)
 - Committee Recommendation – Collaborate as much as possible with ASMFC and Mid-Atlantic Council regarding the management of the river herring resource (ASMFC actions re. river herring management uncertain; stock assessment ongoing)

Catch Monitoring Program

- **Dockside Monitoring – What are the goals?**
 - Enhance the collection of bycatch information?
 - Collect commercial catch and biological samples for stock assessment/resource evaluation purposes?
 - Evaluate the effectiveness of management measures?
 - Verify the total amount of landings in the herring fishery through an independent third-party?
- Difficulties associated requiring all catch to be weighed– Committee may consider approaches for standardizing/certifying volumetric measurements
- Importance of ME DMR portside sampling program emphasized for cost-effective monitoring and commercial catch samples
- Long-term resources/funding will be a significant challenge (Ideas?)

Catch Monitoring Program

- **At-Sea Monitoring – Observer Coverage**
 - NEFSC Sea Sampling Branch – presentations to the Committee re. sampling design, protocols, observer costs, electronic monitoring, industry-funded programs, etc.
 - Measures to improve current observer program under consideration (p. 30), need additional discussion/development
- **At-Sea Monitoring – What are the goals?**
 - Design sampling program based on SBRM Methodology – precision goals, statistical approach
 - Different levels of coverage for different goals and different species – see p. 27 Am. 4 Discussion Document
 - What are the priorities for observer coverage? Species that are overfished/overfishing? All species?
 - How can a 20%-30% CV be achieved for every species? Is this possible, given available resources?

Catch Monitoring Program

What are the specific goals and objectives of a catch monitoring program for the Atlantic herring fishery?

- What current problems would the catch monitoring program be designed to address?
- What are the goals/priorities for designing an at-sea monitoring program?
- How will total catch and bycatch of all species in the herring fishery be estimated with precision/accuracy?
 - Observer coverage
 - Dockside/portside sampling
 - Electronic monitoring
 - Other?
- How could the catch monitoring program be funded for the long-term? (technology investments, administration, data collection, analysis, dissemination)

Quota Allocation Programs

Section 5.0, Am. 4 Discussion Document

- Committee Recommendation – Eliminate quota allocations (group, sector, individual) from consideration in Amendment 4
 - Amendment 4 intended to focus on catch monitoring
 - Too time-consuming, too much for this amendment
 - Some feel that quota allocations may be premature
 - Catch monitoring program should come first
 - Herring Advisory Panel support split, industry support for quota allocations increasing
- Committee Recommendation – If quota allocations are eliminated, establish December 31, 2006 as a “benchmark date” for qualifying for history in Area 1A if a program is developed in the future

A4 General Timeline

- OS and AP narrow scope of A4 and identify specific measures to develop (July – Sept 2008)
- **October 7-9, 2008 NEFMC Meeting – Approve Herring OS recommendations re. A4 measures/alternatives, provide additional guidance/direction**
- OS, AP, and PDT to develop alternatives for Council approval in April 2009
- Amendment 4 DSEIS approved Sept. 2009
- Public Hearings Nov/Dec 2009
- Final Measures selected April 2010
- Submission May 2010; Implementation by January 1, 2011