



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

Meeting Summary Package

Including:

April 30, 2008 Herring Advisory Panel Report

May 22, 2008 Herring Committee Meeting Summary

July 30, 2008 Herring OS/AP Meeting Summary



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FINAL REPORT

HERRING ADVISORY PANEL MEETING

Holiday Inn, Peabody, MA

Wednesday, April 30, 2008

Meeting Attendance: Dave Ellenton, AP Chair; Peter Moore, Herring AP Vice-Chair; Gib Brogan, Spencer Fuller, Vito Calomo, Mary Beth Tooley, David Turner, Al West, Jeff Reichle, Peter Baker, Jennie Bichrest, Don Swanson, Chris Weiner, Jeff Kaelin, NEFMC Herring AP members (**14 of 15 advisors present, Rich Ruais absent**); Lori Steele, NEFMC Staff; several members of the public.

The Herring Advisory Panel met on April 30, 2008 to review and discuss the Scoping Document for Amendment 4 to the Herring Fishery Management Plan (FMP) and to develop scoping comments and recommendations for Herring Committee consideration.

The meeting began with some general discussion of the Amendment 4 process and the involvement of the Advisory Panel in the development of the management alternatives for consideration. Mr. Moore stated that he was disappointed that feedback from the AP was not solicited regarding the content of the Amendment 4 Scoping Document. Mr. Turner expressed disappointment that scoping meetings would not be held anywhere north of Portland, ME. He also noted that attending a meeting during the first week in June is difficult for many people in the industry because that is the first week that the Area 1A fishery will be open. Several advisors agreed. The AP discussed what the procedure would be for preparing the Advisory Panel Report and communicating recommendations to the Council. It was generally agreed that Council staff would prepare the AP Report, and the AP Chairman would present it to the Committee/Council as appropriate.

1. MOTION: Peter Moore/Dave Turner

That the Advisory Panel meet at the front end of any amendment process and if possible, that those meetings be combined with Committee meetings.

The Motion carried 11-0-2.

Mr. Ellenton suggested that the Advisory Panel review the Amendment 4 Scoping Document page by page and provide comments regarding the goals/objectives and the “Questions to Consider” for each of the major issues identified in the Scoping Document. Mr. Kaelin felt that the Goals and Objectives of the Herring FMP, as modified through Amendment 1, should be added to the Amendment 4 Scoping Document. He stated that linking the amendment to the original goals and objectives is important, and that this will help to inform the public that forage has always been an important management issue for the herring fishery.

2. MOTION: Jeff Kaelin/Vito Calomo

That the goals and objectives of the existing management plan from Amendment 1 be added to the Amendment 4 Scoping Document.

Discussion on the Motion: Mr. Baker noted that the Amendment 4 Scoping Document is already completed and is not subject to further revision; Ms. Steele confirmed.

MOTION PERFECTED THROUGH A FRIENDLY AMENDMENT:

That the Council provide the public with a summary of the Herring FMP goals and objectives at future scoping meetings.

The perfected motion #2 carried unanimously.

Catch Monitoring Program

The Advisory Panel discussed the first issue identified in the Scoping Document on p. 4 – a catch monitoring program for the herring fishery. Mr. Kaelin stated that the herring fishery is already one of the most heavily-monitored fisheries in the region, with requirements for catch reporting through IVRs, VTRs, and dealers, and a requirement to call-in for observer coverage prior to taking any trips. Mr. Brogan felt that the scale of this fishery may necessitate some additional actions to ensure adequate monitoring and suggested that the Council look into monitoring programs that may be effective for similar fisheries in other parts of the country or world. Ms. Tooley expressed concern about the current monitoring program for landings and the existing discrepancies that have not been resolved.

3. MOTION: Mary Beth Tooley/Jeff Kaelin

That the Council consider revising the current catch reporting system for the fishery to become more real-time for TAC monitoring purposes

Discussion on the Motion: The majority of advisors expressed support for improving reporting such that the TACs can be accurately monitored on a real-time basis. Mr. West suggested that NMFS consider conducting some reporting seminars for dealers in the fishery so that all dealer information is reported consistently and completely. Ms. Tooley suggested that trip-by-trip reporting requirements could be considered. Mr. Weiner noted that there are more than 5,000 permit holders in the tuna fishery, yet catch reports are updated on a daily basis. Mr. Ellenton said that it would not be a significant problem to report landings/purchases more than once per week.

The motion carried unanimously.

4. MOTION: Peter Baker/Chris Weiner

That the Advisory Panel encourage the Council to consider a full range of alternatives for catch and bycatch monitoring, including industry-funded observer coverage, a weighmaster system, full retention, electronic monitoring, and electronic reporting

Discussion on the Motion: There was some confusion about what a weighmaster system may entail and what the requirements may be. Ms. Bichrest noted that it will be important for the Advisory Panel to remind the Council about the realities of the herring fishery; as an example, she noted that monitoring landings through a weighmaster or other program may be very difficult in some of the smaller ports east of Portland, ME. She suggested that considerations be made about the realities of the fishery so that funds for monitoring are spent most effectively. Mr. Baker suggested that the Advisory Panel simply support consideration of a full range of alternatives to address catch monitoring at this time and that more information is needed about all of the alternatives before any should be rejected. Mr. Brogan agreed; Ms.

Bichrest agreed but emphasized the importance of not utilizing resources to explore alternatives that are simply not feasible from the industry's perspective.

Ms. Tooley suggested a Motion to Amend, but the motion to amend was withdrawn when the maker of the motion and the seconder agreed to a friendly amendment.

MOTION #4 PERFECTED THROUGH A FRIENDLY AMENDMENT:

That the Advisory Panel encourage the Council to consider a full range of alternatives for catch and bycatch monitoring.

The perfected motion carried 9-2-2.

The AP briefly discussed whether the Council should consider alternatives for industry-funded observer programs in this amendment. Ms. Bichrest suggested that the Council broaden the definition of "industry" to include more than just vessel owners/permit holders. Mr. Brogan stated that the Amendment 4 EIS should include a full discussion of the economics of the fishery and the feasibility of an industry-funded observer program as an alternative to the status quo. Mr. Moore recommended that the Science Center and the Herring PDT provide insight regarding the current level of observer coverage and what the appropriate level of coverage may be for this fishery so that this issue is resolved through scientific advice and not by a political process.

5. MOTION: Jeff Reichle/Jeff Kaelin

That the Council should consider alternatives for an industry-funded observer program including a thorough economic analysis and input from the Science Center on the level of coverage needed to manage the fishery

MOTION #5 PERFECTED THROUGH A FRIENDLY AMENDMENT:

That the Council should consider alternatives for a stakeholder-funded observer program including a thorough economic analysis and input from the Science Center on the level of coverage needed to manage the fishery

Discussion on the Motion: Mr. Brogan asked if the intent of the motion was to support observer coverage to improve the monitoring of annual catch limits (ACLs) and accountability measures (AMs), and there was some disagreement among the advisors regarding this issue.

The perfected motion #5 carried 10-3.

The Advisory Panel briefly discussed the questions raised in the Amendment 4 Scoping Document regarding observer sampling protocols and working conditions. Most Advisory Panel members felt that the sampling protocols should be determined by the scientists involved with the program and those most familiar with observer operations.

6. MOTION: Peter Moore/Vito Calomo

To defer to the Observer Program and the NEFSC to establish appropriate observer protocols for the herring fishery

Discussion on the Motion: Mr. Baker reminded the AP that Amy Van Atten from the NEFSC Observer Program did recently provide a list of issues related to the sampling protocol that may require regulatory changes and action by the Council. Ms. Tooley noted that those recommendations related to coverage on at-sea processing vessels, which is very different than harvesting vessels. The AP agreed that it would be helpful to hear from the Science Center regarding this issue.

Motion #6 carried 8-2-1.

Mr. Brogan raised the issue of electronic monitoring in the herring fishery and suggested that alternatives for electronic monitoring be explored in the amendment.

7. MOTION: Gib Brogan/Peter Baker

To include electronic monitoring in the range of alternatives for catch, ACL, and AM monitoring in the herring fishery.

Discussion on the Motion: Mr. Turner suggested that there be significant input from the industry if electronic monitoring is going to be seriously considered. Mr. Baker noted that electronic monitoring is utilized on the west coast to ensure full retention and may provide a means to improve monitoring at relatively lower costs. Mr. Ellenton noted that it is unclear what specifically is meant by considering electronic monitoring in the fishery and wondered how such an approach would help monitor landings and ACLs.

Motion #7 failed 1-8-4.

8. MOTION: Peter Baker/Chris Weiner

To include a full retention strategy with electronic monitoring in the range of alternatives for monitoring the fishery in this amendment

Motion #8 failed 4-7-1.

There was some brief discussion about full retention in this fishery and what the impacts of such a strategy may be. Mr. Brogan suggested that full retention should be considered in the amendment, within some boundaries like safety or other considerations that may realistically preclude full retention. Ms. Tooley stated that the industry currently strives for full retention and tries to minimize discards at sea to the extent possible.

Mr. Kaelin raised concerns about the future of the current ACCSP shoreside monitoring program. Several advisors agreed that the shoreside sampling program provides useful information to supplement observer coverage. Ms. Steele noted that Matt Cieri from ME DMR will give a presentation on the shoreside monitoring program at the May 22, 2008 Herring Committee meeting.

9. MOTION: Mary Beth Tooley/Vito Calomo

That the current shoreside monitoring program established by the States should coordinate their activities to provide useful data to managers

Motion #9 carried unanimously.

Annual Catch Limits (ACLs)/Accountability Measures (AMs)

The AP discussed issues related to the establishment of ACLs and AMs in the herring fishery and the related questions raised in the Amendment 4 Scoping Document. Several advisors agreed that the Herring FMP has already laid the foundation for ACLs and AMs by establishing hard TACs that require a fishery closure prior to being reached. Ms. Tooley felt that the FMP also addresses accountability measures because the TACs are hard TACs that close the fishery, and the closure of the fishery is an accountability measure in itself. Mr. Baker expressed concern about some of the TAC overages that have occurred in Areas 1A and 1B and suggested that additional accountability measures may be necessary. He also added that the Advisory Panel and the Committee shouldn't spend too much time developing the measures for ACLs and AMs yet because further guidance from NMFS is necessary to understand how ACLs and AMs should be set and what the role of the Council's SSC should be in this process. Mr.

Kaelin agreed but felt that it is important for the public to understand how forage needs are already accounted for in stock assessments and the establishment of ACLs.

10. MOTION: Mary Beth Tooley/Vito Calomo

That the Advisory Panel feels that the current stock assessment and specification process in place for the Atlantic herring resource and fishery fully accounts for the role of herring as forage

Discussion on the Motion: Ms. Steele noted that Dr. Overholtz from the Science Center would be presenting a summary and update of ongoing work related to ecosystem issues and the importance of herring as a forage species at the June 2008 Council meeting. Mr. Weiner felt that the motion was too vague and does not speak to concerns about data inadequacies and uncertainties (stock structure, mixing ratios, etc.). Ms. Tooley acknowledged these concerns and clarified that the intent of the motion was not to suggest that these concerns do not still exist.

Motion #10 carried 9-3-1.

11. MOTION: Jeff Kaelin/Mary Beth Tooley

That the Council solicit advice from the NEFSC concerning the role of herring as a predator of other important fisheries resources under management by the Council in order to assist the Council in allowing the harvest of herring up to optimum yield on an annual basis

Discussion on the Motion: Mr. Kaelin emphasized the need for this request and the importance of adding this information to this amendment. Mr. Baker expressed support for the intent of the motion but stated that the relationship to achieving OY is not clear.

MOTION #11 PERFECTED THROUGH A FRIENDLY AMENDMENT:

That the Council solicit advice from the NEFSC concerning the role of herring as a predator of other important fisheries resources under management by the Council

The perfected motion #11 carried 12-0-1.

Mackerel/Herring Interactions

The AP briefly discussed issues raised in the Scoping Document regarding the interaction of the Atlantic herring and mackerel fisheries and the potential for herring bycatch on mackerel vessels that may not possess a limited access permit for herring. Jeff Reichle described the issue and noted that there are about 12 vessels in the southern New England/Mid-Atlantic region that may receive limited access mackerel permits but do not have a limited access herring permit and are therefore limited to 3 mt of herring per trip. The concern about herring bycatch on mackerel vessels appears to be primarily in Areas 2 and 3, so the advisors agreed that there may be an opportunity to allow the vessels in these areas to retain additional amounts of herring.

12. MOTION: Jeff Reichle/Vito Calomo

To recommend that any vessels issues a limited access mackerel permit that do not have a limited access herring permit be allowed to retain up to 25 mt of herring as incidental catch in the mackerel fishery

Discussion on the Motion: Mr. Brogan suggested that the Council could consider a sub-ACL to address this issue in the southern New England area. Ms. Steele stated that the simplest solution may be to increase the possession limit for the open access herring permit only for Areas 2 and 3.

Motion #12 carried 9-0-3.

Quota Allocation Programs

The Herring Advisory Panel discussed issues and questions related to group and individual quota allocation programs under consideration in Amendment 4.

13. MOTION: Peter Baker/Jennie Bichrest

To recommend that quota allocations be eliminated from this action and addressed in a separate amendment

Discussion on the Motion: Mr. Baker felt that the development of quota allocation programs like IFQs and sector allocations will significantly complicate and delay the development of Amendment 4, which was initiated primarily to address catch monitoring in the herring fishery. He suggested that the Council should focus on catch monitoring in this amendment so that it can be completed as quickly as possible. Ms. Tooley expressed opposition to the motion and stated that quota allocation programs must be considered because the industry is struggling to remain operational under the current management system (ex., multiple days out of the fishery). Mr. Kaelin agreed and suggested that the Council move forward with these discussions at this time. Mr. Baker emphasized the need for an adequate catch monitoring program to be established before the Council implements a quota allocation program.

Mr. Turner agreed that it may be premature to develop quota allocations for the fishery since Amendment 1 was just recently implemented, and all limited access permits have not been distributed yet. Mr. Moore noted that there are some equity issues associated with consideration of quota allocation programs because some vessels are currently building history, with the expectation that the history will be valuable for some form of quota allocation in the near future. Ms. Bichrest expressed related concerns about the history deadline of December 31, 2006 proposed in the Scoping Document.

Motion #13 failed 6-7 with the Advisory Panel Chairman voting to break the tie.

14. MOTION: Peter Moore/Peter Baker

That any quota allocation program considered by the Council in this amendment be limited to Area 1A at this time

MOTION #14 PERFECTED THROUGH A FRIENDLY AMENDMENT:

That any quota allocation program considered by the Council in this amendment be limited to Area 1 at this time

The perfected motion #14 failed 3-4-6.

The Herring Advisory Panel continued to discuss issues and questions related to establishing a quota allocation program in this amendment. There was no agreement about whether quota allocation programs should be considered for all management areas or just the areas where the TAC is currently fully utilized. Ms. Tooley suggested that the quota allocation programs that may be developed for the herring fishery not use the groundfish program as an example.

The AP addressed the Area 1A history deadline of December 31, 2006, as proposed in the Scoping Document. Ms. Bichrest noted that there are some vessels that invested significant money into converting to purse seining in order to be able to continue to fish and generate fishing history in Area 1A. She felt that limiting history for allocations to a time period prior to the 2007 fishing year puts these vessels at a significant disadvantage and does not acknowledge the investments made to convert over and comply with the Amendment 1 management measures. Mr. Kaelin expressed opposition to the proposed history date at this time because he feels that it is too early in the amendment process to be determining the outcome of a quota allocation program. Mr. Reichle and Mr. Kaelin expressed support for considering a

time period that is more consistent with the time period used to qualify vessels for limited access permits in Amendment 1.

Mr. Brogan asked about timing as it relates to the implementation of this amendment and the requirement for a referendum vote if an IFQ program is proposed. He suggested that it would be helpful to get some feedback from the industry early in the process about the level and degree of support for an IFQ program at this time. There was also some general discussion regarding bycatch accounting and agreement that bycatch must be accounted for, but no agreement was reached by the AP members about how to address bycatch in a quota allocation program at this time. Many advisors also felt that reporting and monitoring requirements for a quota allocation program should be addressed in the context of a larger catch reporting program for the entire fishery, which is a primary focus of this amendment.

The advisors discussed the remaining questions in the Scoping Document related to quota allocation measures but did not develop any additional recommendations at this time. The Advisory Panel meeting adjourned at approximately 4 pm.



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FINAL MEETING SUMMARY

Herring Committee Meeting

Clarion Hotel, Portland ME

May 22, 2008

The Herring Committee met on May 22, 2008 in Portland, Maine to: review and discuss comments and recommendations from the April 30, 2008 Herring Advisory Panel Meeting; review and discuss updated Atlantic herring stock/fishery information; receive a report regarding the current sea sampling (observer) program, and review/discuss updated sea sampling data for the herring fishery; review and discuss existing shoreside bycatch monitoring initiatives for the herring fishery; and continue discussions regarding the development of management alternatives for consideration in Amendment 4 to the Herring Fishery Management Plan (FMP). This was a largely informational meeting, and most of the discussion centered around a series of presentations that were given throughout the day. Copies of the presentation slides are attached to this summary, and color hard copies can be obtained by contacting the Council office.

Meeting Attendance: Frank Blount, Chairman; David Simpson, Rodney Avila, Dane Rice, Tom Hill, and Jim Ruhle, Herring Committee members (Gibson and Leary absent); Lori Steele, NEFMC staff; Carrie Nordeen, Sarah Gurtman, Hannah Goodale, NMFS NERO; Amy Van Atten, Sara Wetmore, Michael Ball, Ian Conboy, Amanda Tong, Erich Druskat, Debra Duarte, Patricia McGinn, Brian Gervelis, Jo Michaud, Gwynne Schnaittacher, Rick Usher, Pete Scola, Nick Buchan, Tyler Staples, NEFSC Sea Sampling Branch; Matt Cieri and Terry Stockwell, ME DMR; Dave Ellenton (Herring AP Chair), Al West, Mary Beth Tooley, Peter Moore, Gib Brogan, Chris Weiner, Peter Baker, Jennie Bichrest, Jeff Kaelin, Vito Calomo, Dave Turner, Herring Advisors; Chris Vonderweidt, ASMFC; Jason Stockwell, Meredith Mendelson, GMRI; Dennis Abbott, Steve Weiner, Lara Slifka, Glenn Robbins, Gary Hatch, Steve Ouilette, Charles Sullivan, Jim Kendall, Tom Rudolph, Sean Mahoney, Drew Minkiewicz, Roger Fleming, Zack Klyver, Stephen Robbins III, Hank Soule, William Smith, Matt Trundy, Pamela Lyons Gromen, Dan Riley, and several other interested parties.

The meeting began with a Scoping Hearing regarding issues to be addressed in Amendment 4 to the Atlantic Herring FMP. Minutes from the Scoping Hearing have been drafted separately from this meeting summary.

Following the Amendment 4 Scoping Hearing, Dave Ellenton, Herring Advisory Panel Chairman, presented the Report from the April 30, 2008 Herring AP Meeting. The Herring AP provided comments on the Amendment 4 Scoping Document and made several recommendations regarding management alternatives to be developed further in Amendment 4. Ms. Steele agreed to follow-up on some of the AP requests for information and noted that she would include the Advisory Panel's specific Amendment 4 recommendations in a summary of scoping comments to be provided to the Committee for discussion at a future meeting. Following the Herring AP Report, Ms. Steele gave a brief report from the April 9, 2008

Herring Plan Development Team (PDT) Meeting. The Herring PDT meeting was focused primarily on developing updated stock assessment and fishery evaluation (SAFE) information, to be presented at this Committee meeting.

Updated Herring Stock/Fishery Information

Ms. Steele presented a brief update of Atlantic herring stock and fishery information, provided by the Herring PDT (see attached presentation slides). Following the presentation, several Committee, Advisory Panel, and audience members made some general comments and asked questions.

- Several people asked questions regarding the catch information and how bycatch is accounted for in the catch/landings reports. Dr. Cieri clarified that fishermen are required to report bycatch through IVR and VTR and that during the stock assessment, observer data is also examined to get an estimate of at-sea discards, which are factored into the assessment.
- Mr. Kendall suggested that the PDT consider adding smoothing lines to the survey graphs to better illustrate trends.
- Mr. Rudolph asked about the TAC overage in Area 1B that occurred in a recent year, as the overage is not reflected in the SAFE Report. Ms. Steele was uncertain to which year he was referring. She noted that the numbers may have changed due to adjustments in management area boundaries (Amendment 1) and re-aggregating the landings by the new management areas. Mr. Rudolph suggested that a more detailed quota monitoring report, similar to ones for special access programs for groundfish, may be helpful for monitoring the TACs in the herring fishery and determining how landings totals are derived. He also suggested that it may be helpful for the Herring Committee to receive a detailed presentation about quota/landings monitoring similar to the upcoming presentation on at-sea monitoring (observer program).

Bycatch Information: NEFSC Sea Sampling (Observer) Program and ME DMR Portside Bycatch Sampling Program

Amy Van Atten from the NEFSC Sea Sampling (Observer) Program provided a detailed presentation on the observer program and the data collected on observed vessels participating in the Atlantic herring fishery (presentation slides attached). Following her presentation, Matt Cieri provided an overview of portside bycatch sampling work conducted by the ME Department of Marine Resources (presentation slides attached). Several Committee, Advisory Panel, and audience members made comments and asked clarifying questions regarding both presentations.

- Ms. Tooley suggested that additional information be provided regarding the observed trips that may have dumped fish at sea, including specific reasons why the bags were dumped.
- Mr. Baker asked for clarification regarding aborted trips as well as the estimation of percent coverage by gear type.
- Mr. Kaelin asked for additional information regarding levels of observer coverage in the herring fishery versus other fisheries in the Northeast Region.
- Mr. Brogan asked whether habitat data are collected on observed trips, as well as information about the behavior of the fishing gear in the water.
- Mr. Ruhle asked about the desired 30% coefficient of variation and the level of coverage needed to achieve it. It was noted that NMFS will be providing additional information about the Standardized Bycatch Reporting Methodology (SBRM) at the June 2008 Council meeting.
- Following Dr. Cieri's presentation, Mr. Moore stated that the river herring complex appears to be a potential concern for bycatch, but that the data indicate that herring gear is not catching significant amounts of groundfish. He suggested that the Committee and Council focus on trying to identify

“hotspots” and areas of concern for bycatch and focus on more clearly defining the nature and degree of bycatch events.

- Mr. Kaelin stated that the Sustainable Fisheries Coalition has organized a request for continued funding of the portside bycatch sampling project, which stands to be eliminated without additional funds in future years. He noted that portside bycatch sampling could be a very cost-effective method of sampling a significant percentage of the fishery. Ms. Bichrest suggested that the industry contribute to the continued funding of this project, including bait dealers and lobster fishermen.
- Mr. Rudolph expressed support for expanding and mandating the shoreside bycatch sampling program. There was some discussion among the industry members regarding mandatory versus voluntary programs and the current level of compliance in the voluntary programs.

Following the bycatch presentations, Ms. Steele reviewed the revised timeline for the development of Amendment 4. The Committee discussed general issues related to developing Amendment 4.

- Mr. Ruhle then raised an issue regarding the trans-shipment of U.S.-caught herring to the Canadian sardine cannery by Canadian herring carrier vessels. NMFS is currently seeking comments on the 2008 applications for Canadian herring carriers, which are authorized by the Magnuson-Stevens Act and operate under the current 4,000 mt allowance for border transfer in the herring specifications. The comment period for these applications ends on May 31, 2008, and Mr. Ruhle felt that the Committee may want to consider asking for an extension of the comment period in order to review and discuss the applications in greater detail. **The Committee agreed to ask the Council’s Executive Committee to consider this issue at its next meeting.**
- Mr. Ruhle expressed concerns about the 2008/2009 specifications and the reduction in the Area 1A catch that NMFS implemented, with the corresponding increase in the Area 2 TAC. He suggested that the Council reconsider these specifications and request clarification from NMFS as to why the TAC was increased in Area 3 and not Area 2.
- Mr. Ruhle requested that the Herring PDT examine levels of observer coverage in the fishery and determine what levels of coverage would be needed to achieve the desired 30% CV across the fishery for all species and gear types.
- Mr. Avila suggested that the Council should reconsider the 2009 herring specifications in light of the new information provided in the Herring SAFE Update. Mr. Avila moved **that the Council reconsider the 2009 TACs for Area 1 using the most recent scientific information.** The motion was ruled out of order by the Chairman, who noted that this issue was not specified on the agenda for either the Committee meeting or the June Council meeting. He suggested that individuals who support this motion consider raising this issue during Other Business at the June 2008 Council meeting.

May 22, 2008 Herring OS Mtg.

Presentation #1 - SAFE

Atlantic Herring: Updated Stock and Fishery Information (Through 2007)

Lori Steele, NEFMC Staff, Herring PDT Chair
May 22, 2008

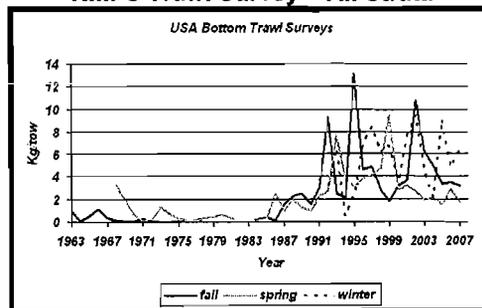
Herring PDT Membership

- Lori Steele, NEFMC (Chair)
- Bill Overholtz, NEFSC
- Drew Kitts, NEFSC
- Patricia Pinto da Silva, NEFSC
- Amy van Atten, NEFSC
- Matt Cieri, ME DMR
- Steve Correia, MA DMF
- Clare McBane, NH FG
- Jason Stockwell, GMRI
- Carrie Nordeen, NMFS NERO
- Sarah Gurtman, NMFS NERO
- Chris Vonderweidt, ASMFC
- Other NMFS, NEFSC, NEFMC Staff

2008-2009 Specifications

	2007	2008/2009
ABC	194,000	194,000
U.S. OY	145,000	145,000
DAH	145,000	145,000
DAP	141,000	141,000
JVPI	0	0
JVP	0	0
IWP	0	0
USAP	20,000 (Areas 2 and 3 only)	20,000 (Areas 2 and 3 only)
BT	4,000	4,000
TALFF	0	0
RESERVE	0	0
TAC Area 1A	50,000 (5,000 Jan-May)	45,000 (43,650 fishery; 5,000 Jan-May)
TAC Area 1B	10,000	10,000 (9,700 fishery)
TAC Area 2	30,000	30,000 (29,100 fishery)
TAC Area 3	55,000	50,000 (58,200 fishery)
Research Set-Aside	N/A	Area 1A RSA 1,350 Area 1B RSA 300 Area 2 RSA 900 Area 3 RSA 1,800

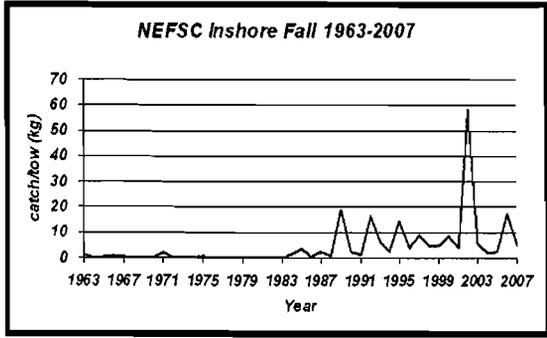
Updated Stock Information NMFS Trawl Survey – All Strata



- 2007 surveys not much different than recent years
- No recent trends apparent; long-term trends upward

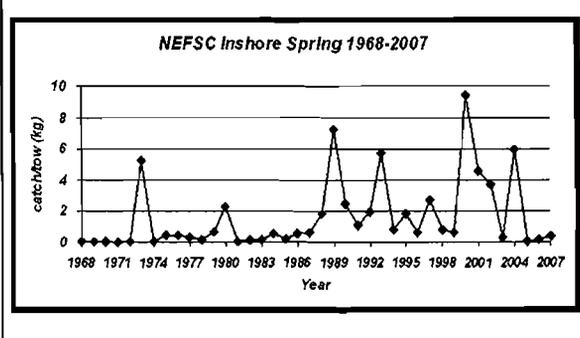
Updated Stock Information

NMFS Fall Survey – Inshore GOM Strata Only



Updated Stock Information

NMFS Spring Survey – Inshore GOM Strata Only



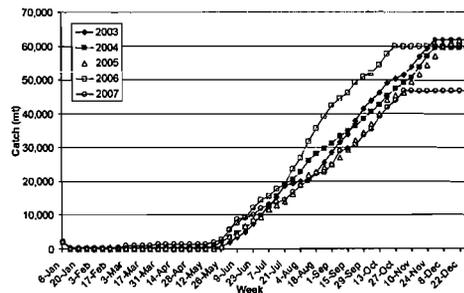
Updated Fishery Information

Total Catch from IVR

Management Area	IVR Catch (mt)	% of TAC
Area 1A (Jan 1 st – May 31 st)	1,388	NA
Area 1A (June 1 st – Dec 31 st)	45,482	NA
Area 1A TOTAL	46,870	93.7% of 50,000
Area 1B	6,859	68.6% of 10,000
Area 2	14,687	49% of 30,000
Area 3	9,756	17.7% of 55,000
Total	78,172	53.9% of 145,000

Updated Fishery Information

Area 1A Cumulative Catch from IVR



- Relatively consistent with 2003-2005 activity
- Closed on October 25, 2007 (purse seine only June – Sept)

2007 Versus 2006

Total Catch from IVR

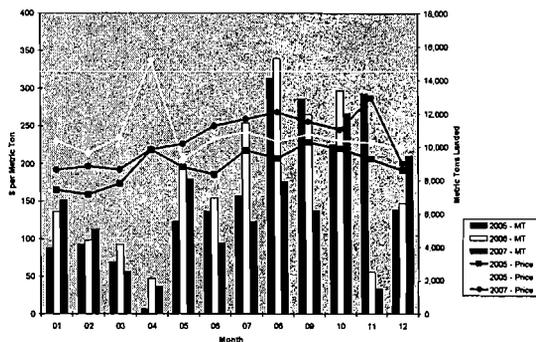
Area	2006 Catch (mt)	2007 Catch (mt)	Difference (mt)
1A	59,980	46,870	-13,109
1B	13,008	6,859	-6,149
2	21,753	14,687	-7,065
3	4,444	9,756	+5,312
Total	99,185	78,172	-21,012

- Area 1A TAC reduced by 10,000 mt in 2007
- Losses in Area 1 not fully compensated for in Area 3
- Total landings declined 21.2% in 2007

Updated Fishery Information VTR Landings

GEAR TYPE	2006	2007
Pair Trawl	64,762	33,266
Purse Seine	18,700	31,019
Midwater Trawl (Single)	16,130	8,193
Bottom Trawl	2,026	7,711
Weir	444	0
Stop Seine	82	0
Shrimp Trawl	23	16
Scallop Dredge	8	0
Gillnet	4	3
Floating Trap	2	4
Handline	3	1
Pot (Lobster)	2	0
Gillnet (Other)	1	0
GRAND TOTAL	102,186	80,213

Herring Prices



NB Weir Fishery

- Current assumption = 20,000 mt inshore component
- 30,145 mt landed in 2007 (11,641 mt in 2006)
- Highest catch observed since early 1990s
- Highest number of active weirs since 2001; highest CPUE for NB weir fishery on record
- Five-year avg landings (2003-2007) 16,809 mt
- Ten-year avg landings (1998-2007) 17,089 mt
- Future landings should be monitored closely; assumption can be revisited in the specs

Status of Management Actions

- **Am. 1 became effective April 11/June 1, 2007**
 - 42 Limited Access Directed Fishery Permits (38 All Areas), 40 limited access incidental catch, and 1,932 open access permits (3 mt) issued at time of this writing
 - Herring RSA funding GMRI study "The Effects of Fishing on Herring Aggregations"
- **Framework 43 haddock catch cap May 1, 2008– April 30, 2009 is 541,925 pounds**
 - Reported haddock catch for 2007/2008 cap, as of April 19, 2008, was 2,483 lbs.
 - No haddock catch reported for 2008/2009 at time of this writing

May 22, 2008

Presentation #2 - NEFSC Sea Sampling

The Northeast Fisheries Observer Program

NOAA, National Marine Fisheries Service
Northeast Fisheries Science Center
166 Water Street, Woods Hole, MA 02543
www.nefsc.noaa.gov/femad/fsb/

Amy Van Atten, Operations Coordinator & Acting
Branch Chief

Contributions by Sara Wetmore, Debra Duarte, and
Brian Gervelis

Herring Committee Meeting, Portland Maine, May 22, 2008

Presentation Outline

- | | |
|---------------------------------|---|
| ■ Program overview | The Herring Fishery |
| ■ Program Structure | ■ Number of trips observed |
| ■ Costs | ■ Coverage levels and location by gear and season |
| ■ Seaday allocation | ■ Incidental take summary |
| ■ Information collected | ■ Sampling protocols |
| ■ Training and certification | ■ Released bags |
| ■ Observer retention | ■ Timing of day |
| ■ Data reporting and processing | ■ Catch composition |
| | ■ Basket sampling |
| | ■ Size of catch (herring, mackerel, and haddock) |

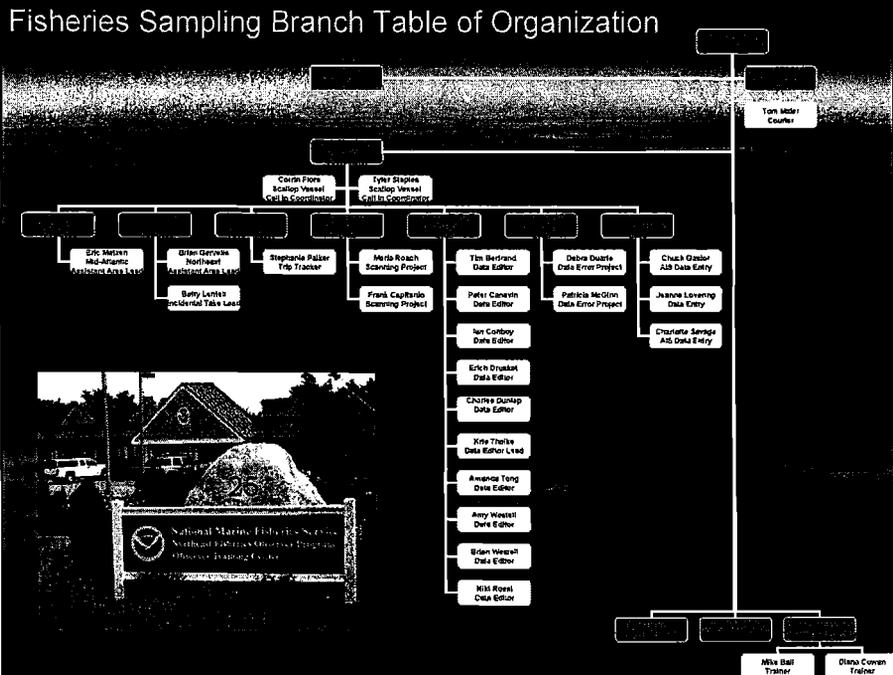
The Northeast Fisheries Observer Program



- Coverage from Maine through North Carolina
- Legal Authority:
 - Marine Mammal Protection Act
 - Magnuson-Stevens Fishery Conservation and Management Act
 - Endangered Species Act

Program Structure

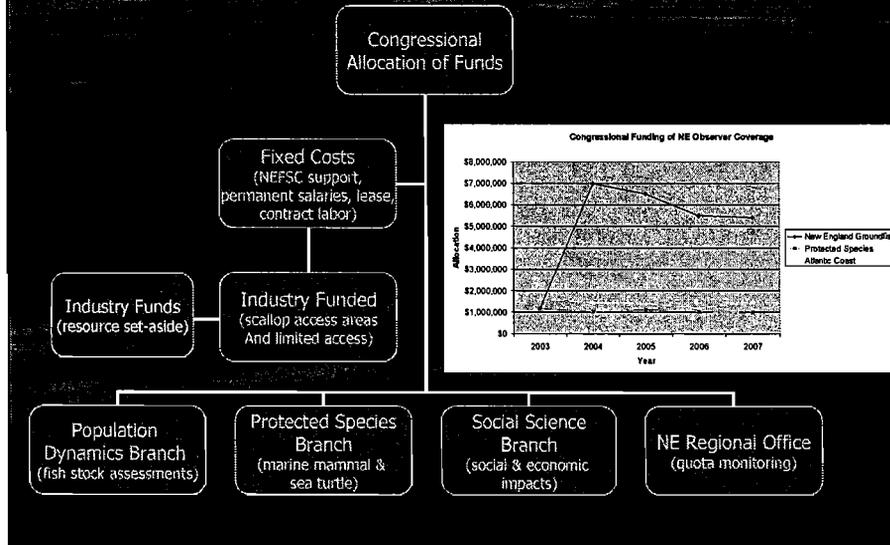
- Based out of the NMFS, Northeast Fisheries Science Center
 - Observer Training Center, Falmouth MA
 - Training, observer debriefing, data processing, archival
- Contract with an Observer Service Provider
 - AIS, Inc.
- Two Industry Funded Approved Providers
 - AIS, Inc. and EWTS, Inc.
- Currently have 93 certified observers
- Contractor deploys observers as instructed by the Seaday Schedule and Vessel Selection Lists



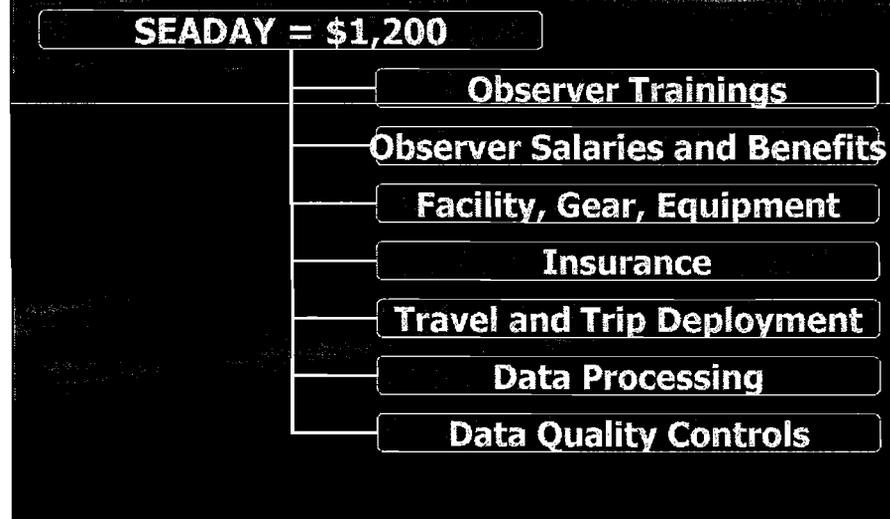
Allocation of Seadays

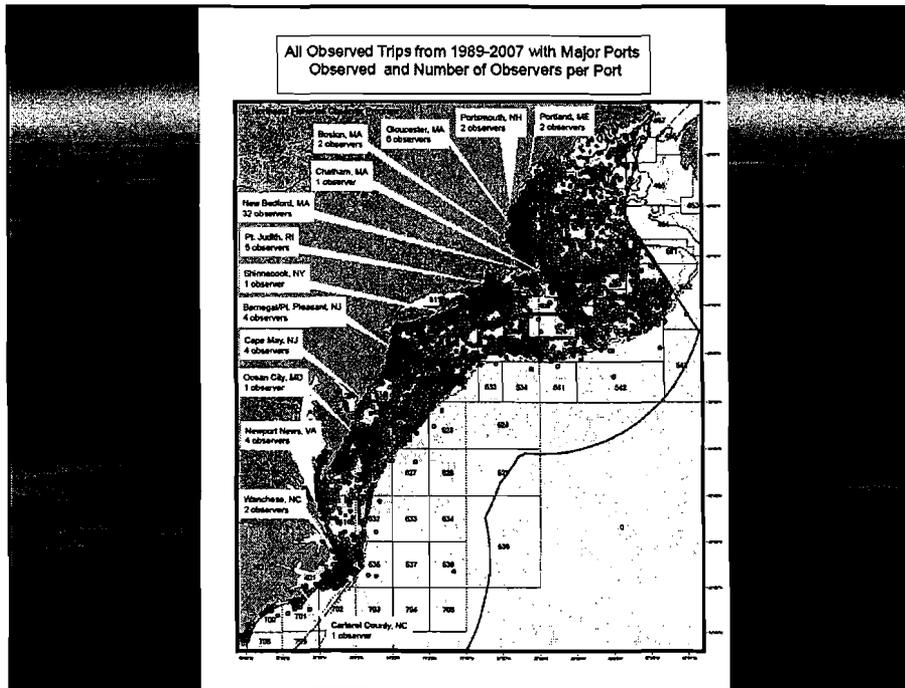
- Multi-purpose observer program
- Coverage is sufficient to provide statistically reliable bycatch estimates
 - Uses a measure of variability around a particular species group bycatch-estimate
 - 30% Coefficient of Variation = good quality
- Variables used to allocate coverage (based on previous years' effort):
 - Geographic area fished
 - Mesh size
 - Trip length
 - Target species
 - Gear type
- Target 5% coverage of multispecies fisheries
- Target 30% of U.S./Canada, SAP, and B-DAS fisheries
- Target 10% of access-area scallop fisheries
- Target 20% of the herring fishery

Program Funding



Program Costs



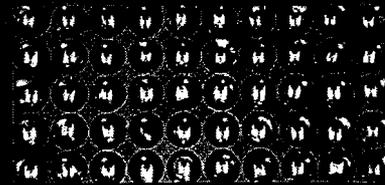


Type of Information that Observers Collect

- Vessel and Trip Information
- Economic costs
- Gear characteristics
- Haul information, environmental conditions
- Catch composition and disposition
- Biological sampling
- Incidental takes (mammals, birds, turtles)
- Sightings of marine mammals and sea turtles

Fish Biological Samples

- Fish age structures
 - Improve stock assessments
- In 2007, took lengths of 880,585 fish & collected 4,815 age structures from 103 different species



Observer Training

- Three-week training at the Observer Training Center
 - Security clearance
 - Pre-training assessment on fish and mammal identification
 - Must pass fish and mammal identification exams and final exam ($\geq 85\%$)
 - Reading assignments, quizzes, in-class exercises
 - Safety training
 - Vessel trips, port visits
 - End users presentations
 - Mentoring program



Observer Certification

- Successful completion of the training
- One assisted training trip with trained observer
- Three solo training trips
- Each training trip is reviewed for accuracy and completeness before allowed to go on next trip
- Must do a trip at least every 12 months for all basic gear types
- Advanced training for gear types other than trawl, scallop dredge, and gillnet (i.e. longline, purse seine, pots & traps)



Species Verification Program

- Observers must send in verification of species identification skills



Training Updates

- Established an Executive Training Committee (7 staff members)
- Annual meeting
- Six-month review meeting
- Tailor training style to current students
- Update or refine protocols
- Ensure new manual or log updates are reflected properly throughout
- New speakers (i.e. Fishermen's Panel)
- Certification process for each gear type

Observer Retention

- Average retention rate is only 1 year
- Great concern – would like it to be higher
- Considerations for retention are considered in contract award
- Reasons for leaving (out of 189 exit interviews)
 - Sea sickness
 - Requires too much time away from home (144 days/year)
 - Unpredictable schedule (trip plans changing)
 - Conditions on vessels (safety, smoking, mistreatment)

Does Data Quality Improve Over Time?

Table 1. NUMBER OF OBSERVERS PER EXPERIENCE CATEGORY (As of 03/31/2007)

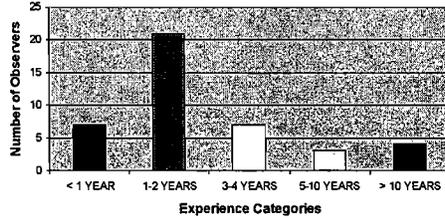
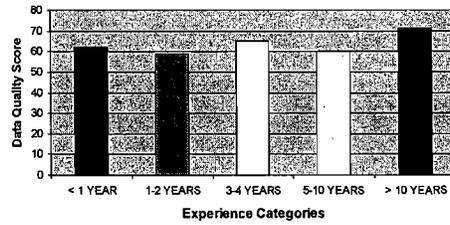


Table 3. AVERAGE DATA QUALITY SCORES BY EXPERIENCE CATEGORY

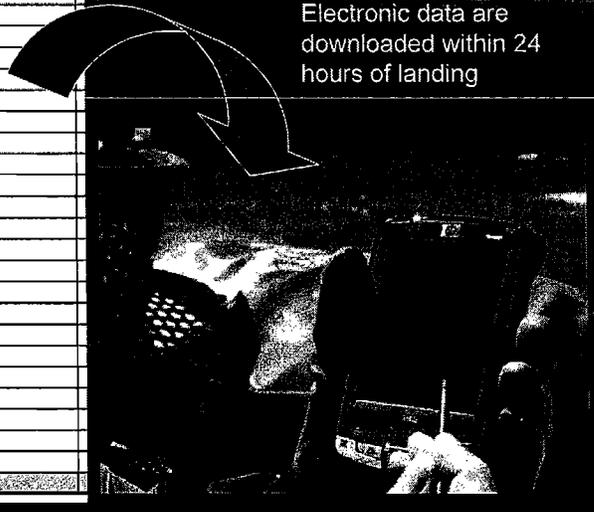


TRIP REPORTS

NMFS FISHERIES OBSERVER PROGRAM OBSCON (OBSERVER CONTRACTOR TRIP REPORTING) WORKSHEET			
TRIP ID			
PROGRAM CODE			
RESEARCH COOP			
STATION NUMBER			
VESSEL NAME			
DATE SAMPLED			
PRIMARY DEAR CODE			
CONTAINER AREA CODE			
PRIMARY TARGET SPECIES NAME			
SECONDARY TARGET SPECIES NAME			
PRIMARY NETS LAUNDER NAME			
STATISTICAL AREA			
DATE LANDED			
PORT LANDED (CITY, STATE)			
TRIP NAME			
PERMIT NUMBER			
PERMIT TYPE			
PERMIT DATE			
MODEL YEAR			
ISSUE			
INCIDENTAL TAKE SPECIES NAME			
TAKE END DATE (OBSERVER 1)			
TAKE END DATE (OBSERVER 2)			
INCIDENTAL TAKE SAMPLE TYPE			
SAMPLE LOCATION			
COMMENTS			
DATE REPORTED			

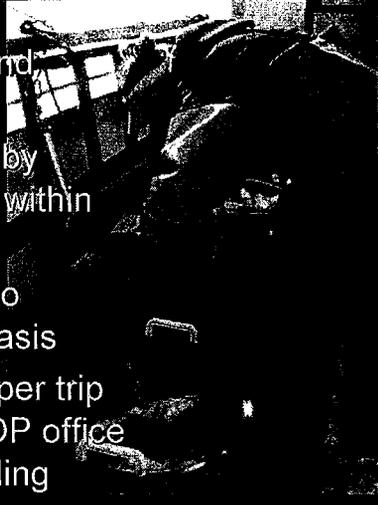
Trip Reports

Electronic data are downloaded within 24 hours of landing



Haddock Cap Monitoring

- Observer Catch Reports
 - Trip summary of herring and haddock caught
 - Transmitted electronically by observer to NEFOP office within 24 hours of trip landing
 - Preliminary data emailed to Regional Office on daily basis
 - Data are verified when paper trip logs are received at NEFOP office within 3-5 days of trip landing



Trip Processing

- Electronic submission (trip summary) within 24 hours of landing
- Paper logs received within 7 days of landing
- Prioritization: quota monitoring trips, training trips, trips with incidental takes
- Folders and labels are made and recorded in trip tracking
- Safety compliance check
- Editor begins overview



Editing the Trip

- Editor has individual observer assignments
- Review trip for proper use of logs and completeness
- Transcribe any coded fields
- Maintain a Trip File Worksheet
- Maintain a Data Quality Worksheet
- Verify samples against trip logs
- Ensure that observer followed proper sampling protocols
- Ensure that logs are complete and ready for entry
- Debrief the Observer on performance and review outstanding questions
- Completed within 45 days of landing



Debriefing the Observer

- On the phone, by email, or in person
- Receive feedback on every trip
- Mandatory in-person 6-month debriefing
 - Review edited trips
 - Review data quality
- Receive feedback on incidental take
 - Review photographs, identification, sampling, necropsy results, current research
- Meet with Safety Lead
 - Review any current and/or newly identified safety issues
- Meet with Area Lead
 - Review results from Comment Cards and Captain Interviews
 - Review latest management issues, council agendas, etc.
 - Get feedback on editor's performance
- Meet with Enforcement
 - Ensure that there are no outstanding or unreported problems (harassment, etc.)
- Meet with Trainers
 - Review submitted fish through the species verification program
 - Review fish identification
- Review gear measurements on codend, liner, and dredge
- Meet with End Users



Data Processing

- Data entry (entry screens include audit ranges, code lookup)
- Data are run through a primary audit
- Data are run through a secondary audit
- Data are loaded to Oracle database within 90 days of landing
- Final check of key fields (from final data tables to trip folder)
- Paper logs are scanned and bar coded
- Loaded to a website for end users' access
- Trips are filed on-site for 3 years
- Trips are archived at secure facility off-site

Probation Program

- Any concerns with overall observer data quality - submission errors, communications, timeliness of data, under-sampling, poor captain interviews
- Cease conducting trips and schedule a debriefing in Woods Hole
- A performance plan is drafted and must be followed to resume standing
- Generally three trips are completed, with each trip completely reviewed and approved before re-deploying
- Become non-eligible for bonus during probation period (usually 30 days)
- Emergency Probation Action
 - Invoked if there was reason to believe some egregious violation of procedures or protocols had been committed
 - Pending an investigation
 - Usually results in decertification

Quality Assurance Programs

- Regular communication with observers
 - Debriefings, refresher trainings, memos, newsletters
- Pre-briefing between observers and editors for certain trips (i.e. pair trawl, herring)
- Shadow Trip Program
- Data Quality and Bonus Program
- Probation and Decertification Process
- Species Verification Program
- Captain Interviews
- Fishermen Comment Cards



Observations in the Herring Fishery 2005 - 2007



Number of Observed Herring Trips 2005 - 2007

	Bottom Trawl	Paired Mid-Water	Single Mid-Water	Purse Seine	Totals
2005	1	117	46	46	210
2006	5	25	12	0	42
2007	9	17	11	11	48
Totals	15	159	69	57	300

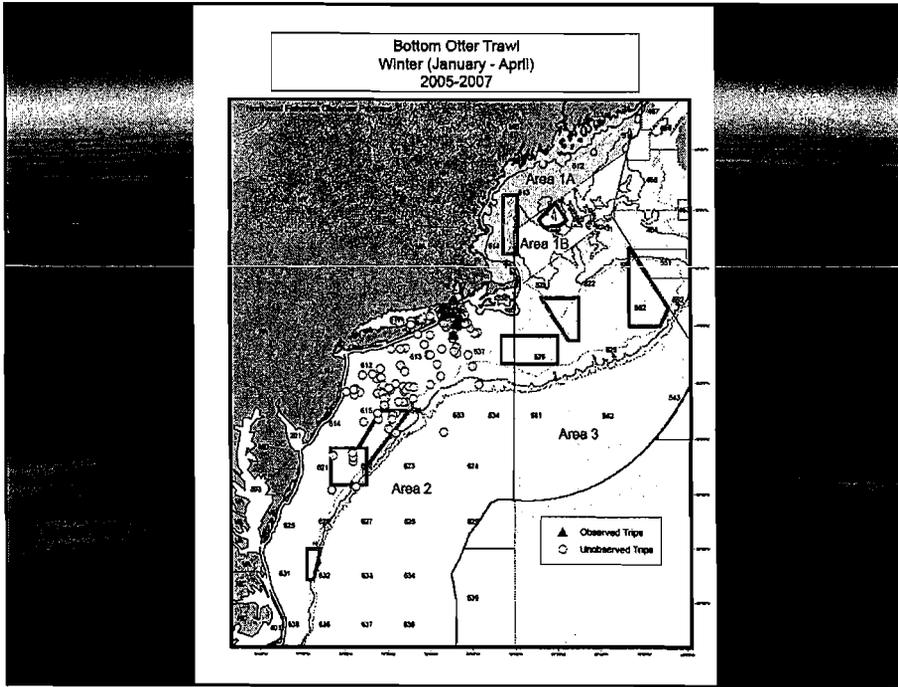
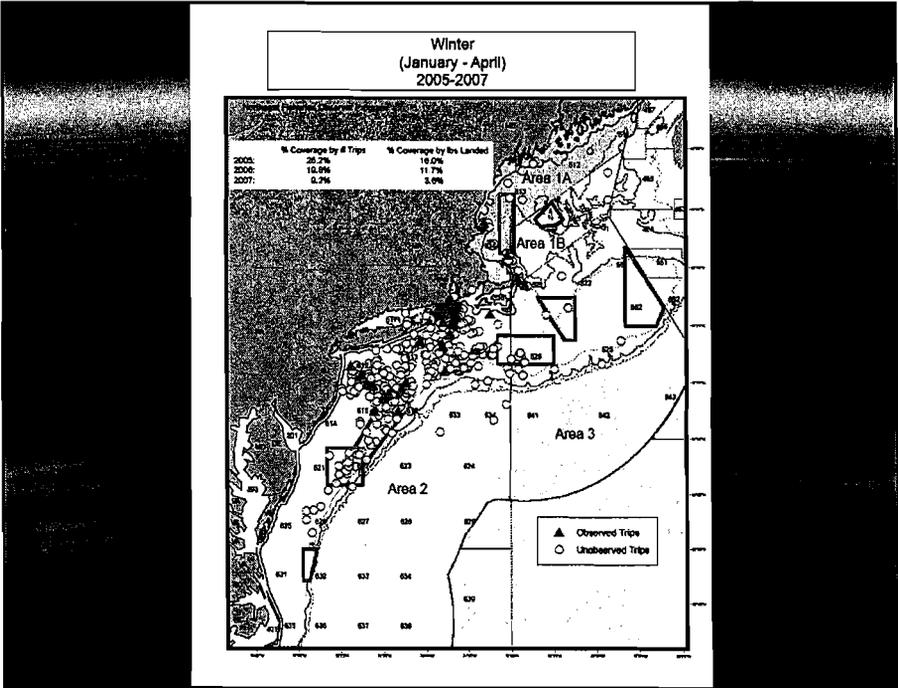
Does not include aborted trips, which comprised 29% of the trips in 2007.

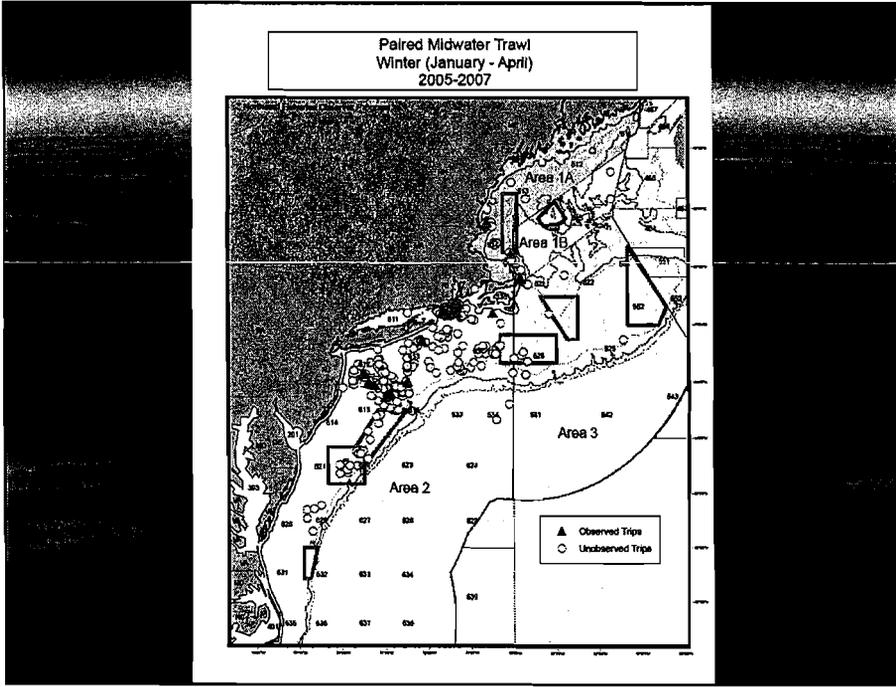
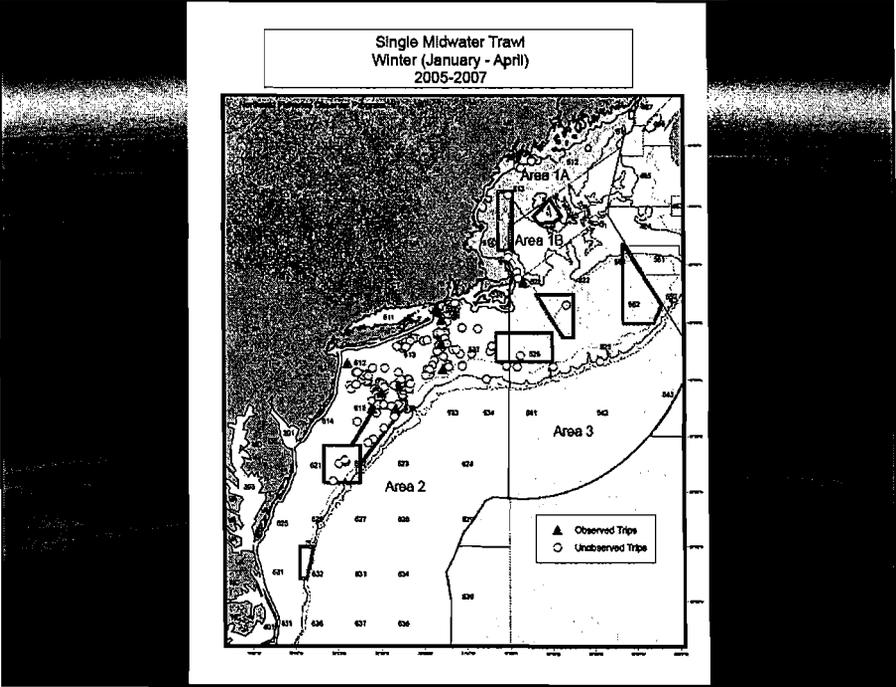
Observer Coverage Rate in the Herring Fishery, 2005 - 2007

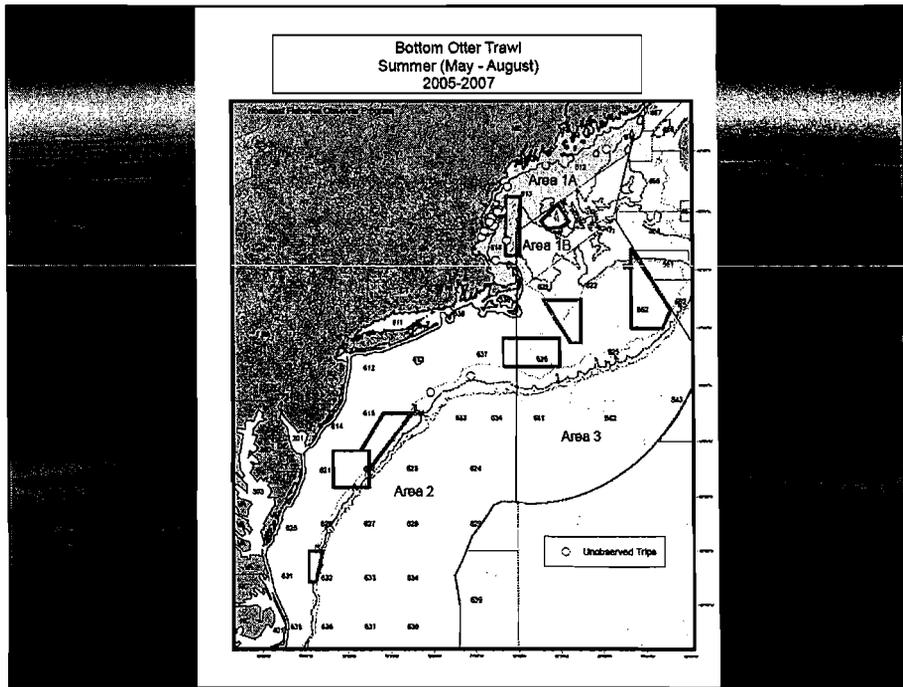
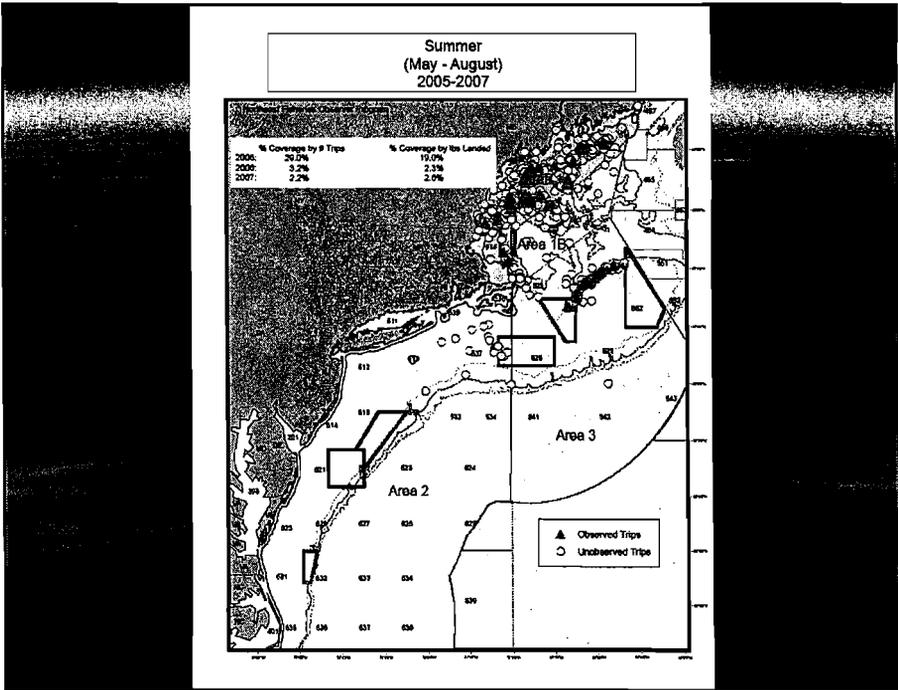
% coverage by trips				% coverage by lbs		
Winter (January - April)				Winter (January - April)		
	#obs trips	#total trips	%cov	lbs observed	total lbs landed	%cov
2005	26	103	25.243	4,142,640	25,797,931.60	16.058
2006	37	187	19.786	4,364,941	37,157,651.20	11.747
2007	28	303	9.2409	1,623,436	45,106,116.00	3.5991
Summer (May - August)				Summer (May - August)		
2005	108	372	29.032	16,058,434	84,473,217.30	19.01
2006	11	340	3.2353	2,754,334	107,492,107.30	2.5624
2007	9	410	2.1951	1,672,989	62,939,588.40	2.6581
Fall (September - December)				Fall (September - December)		
2005	82	337	24.332	16,498,303	94,378,705.50	17.481
2006	7	220	3.1818	2,445,782	79,143,596.80	3.0903
2007	17	252	6.746	4,062,293	66,178,785.10	6.1384

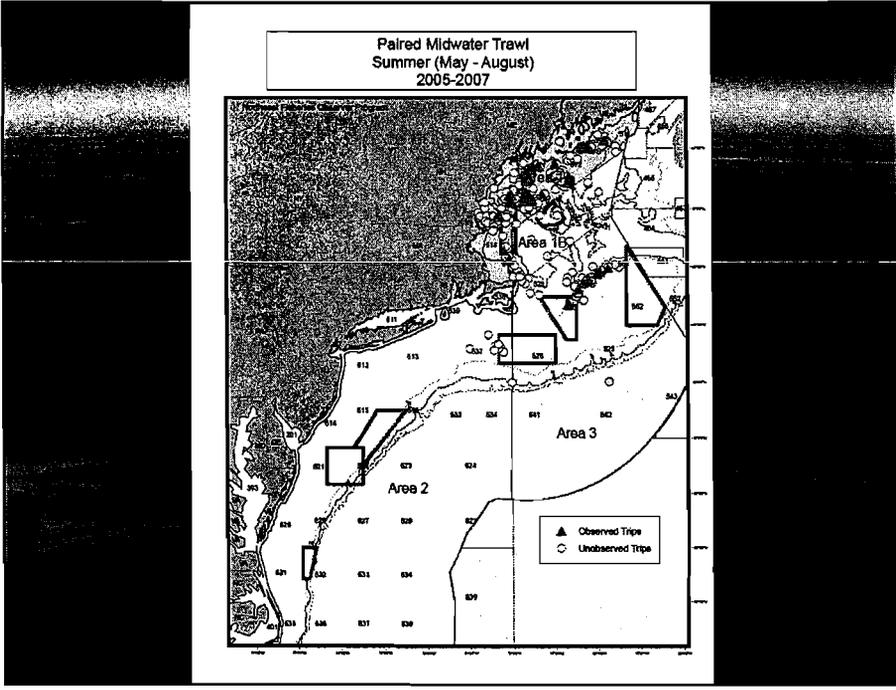
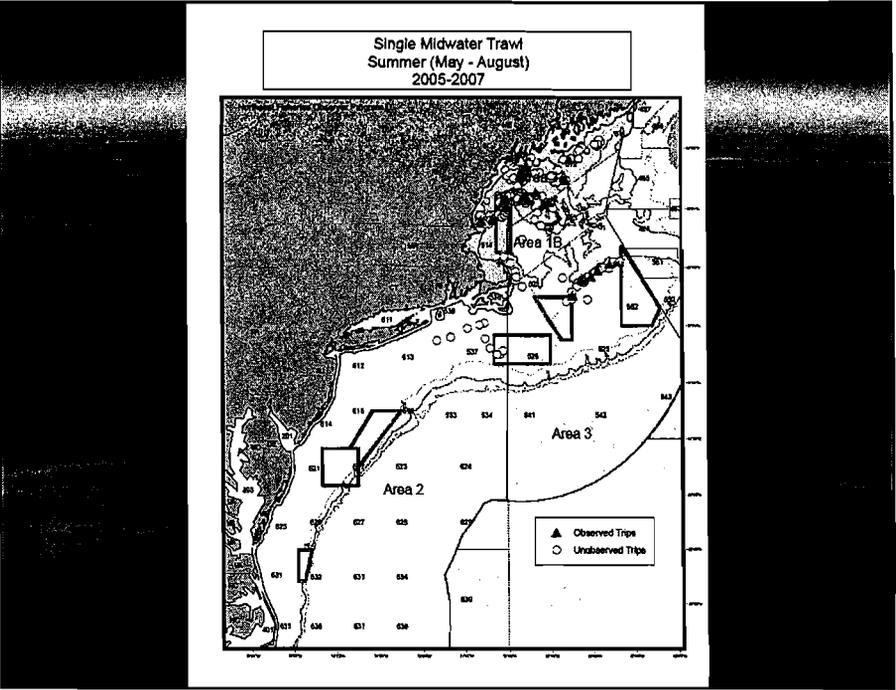
Average based on trips = 13%

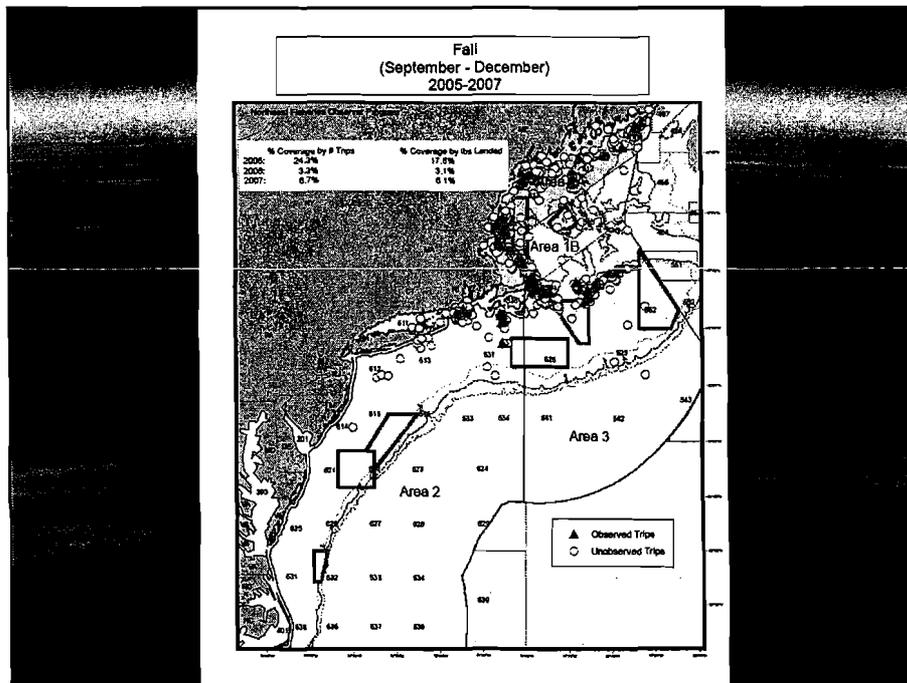
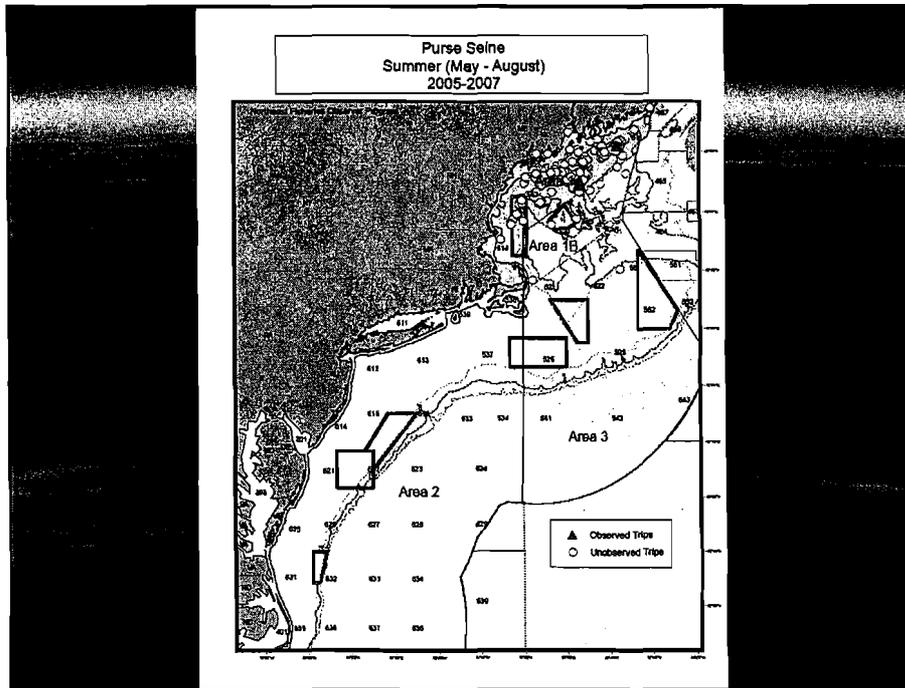
Average based on catch = 9%

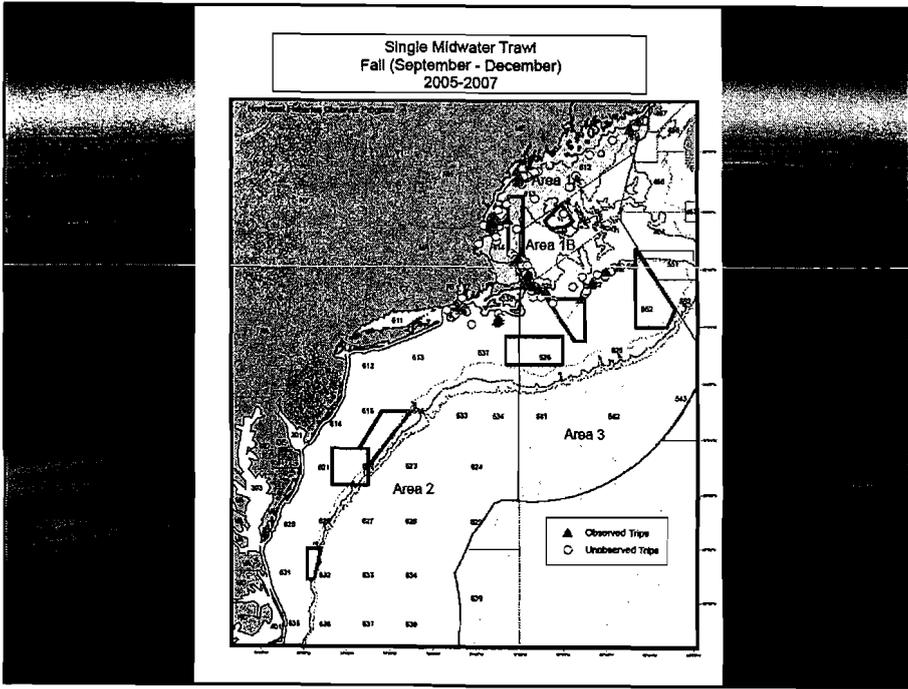
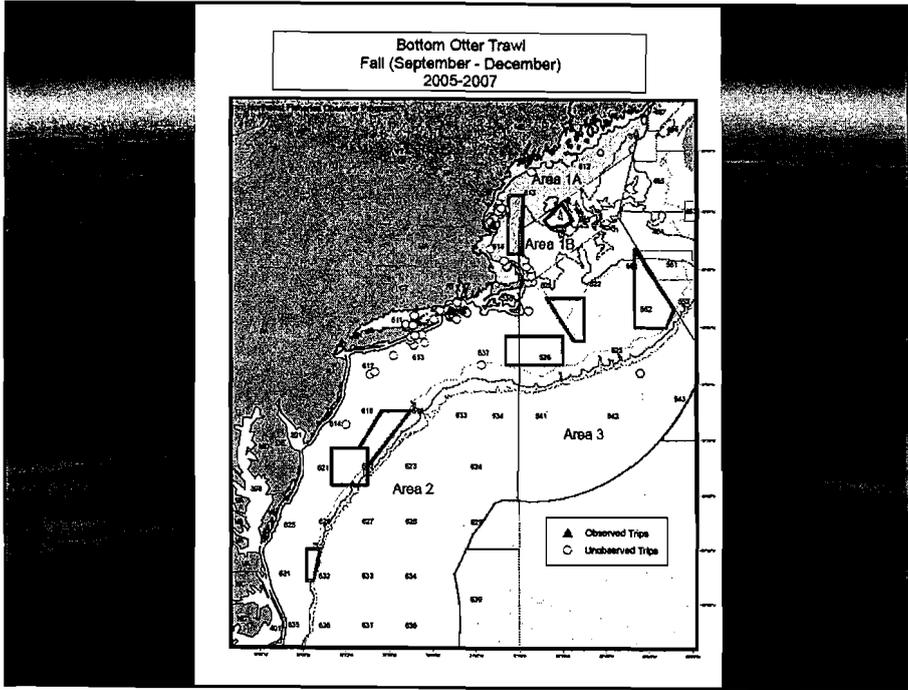


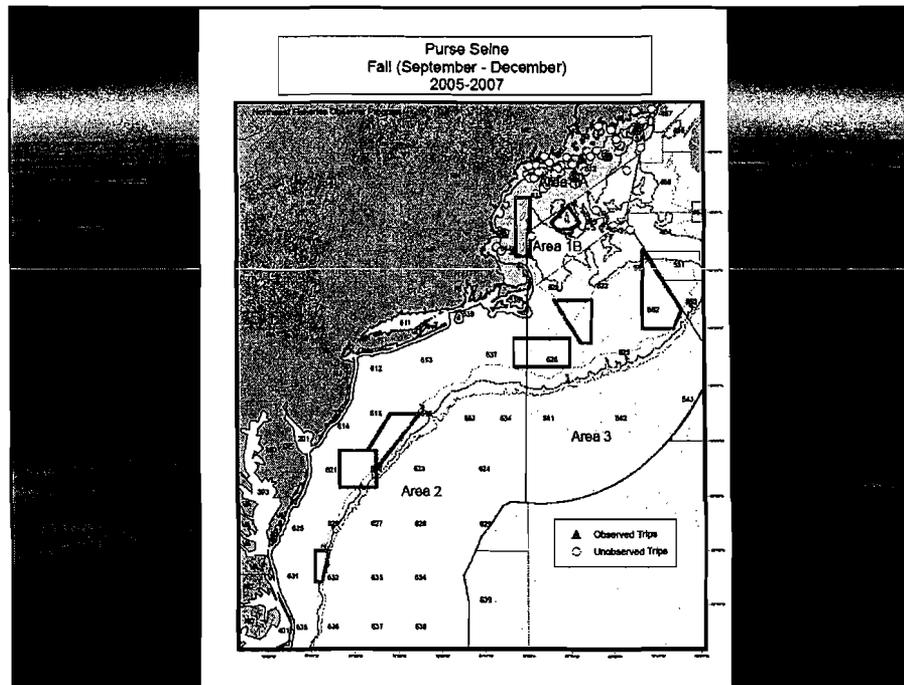
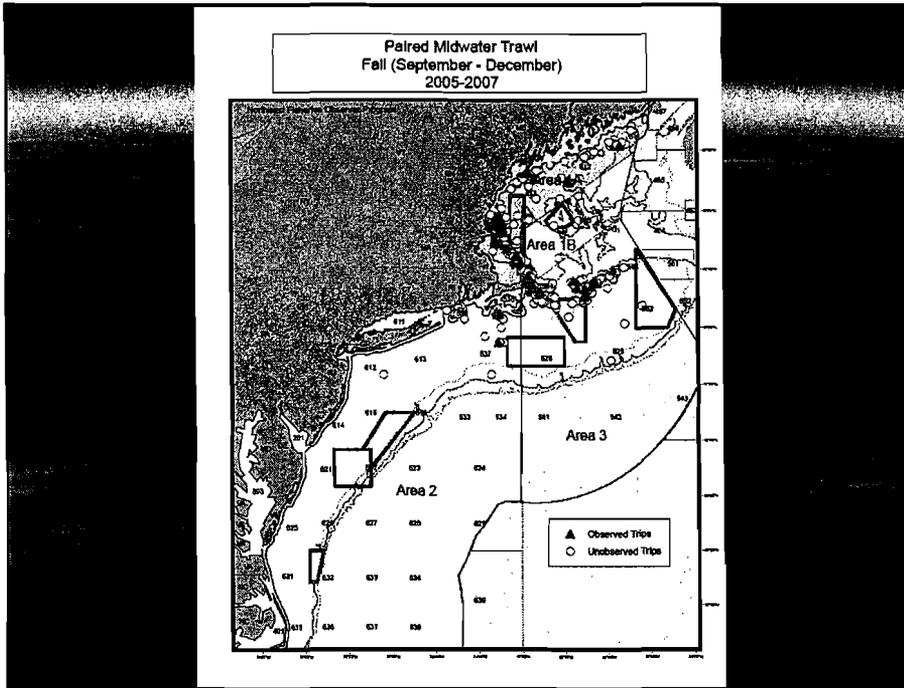






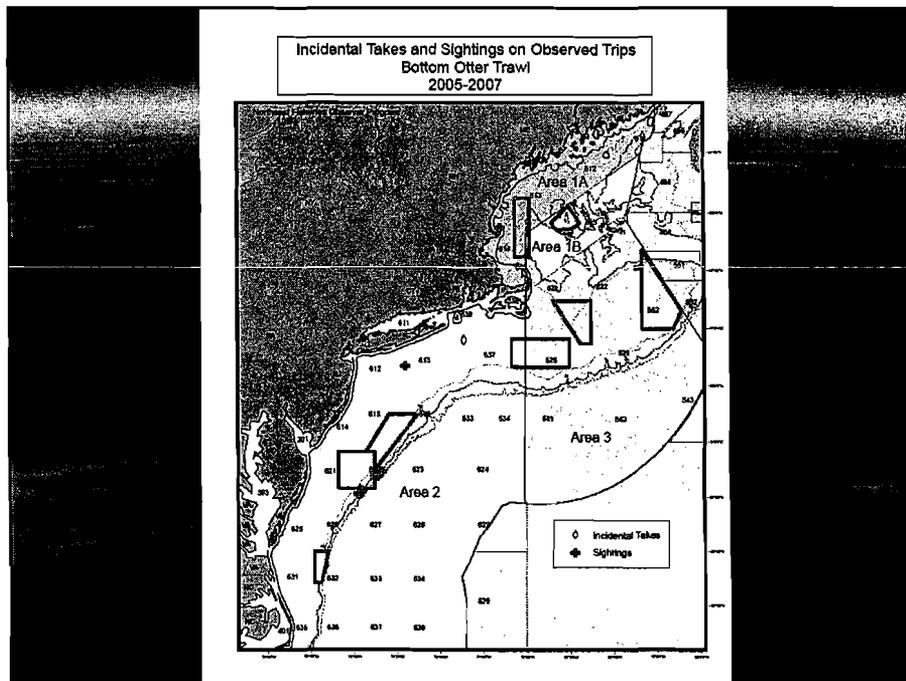




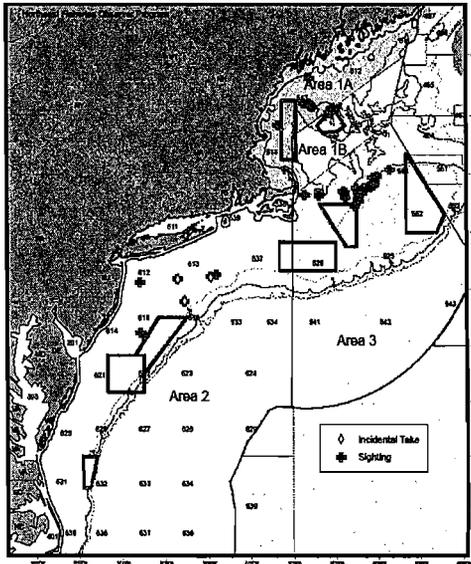


Incidental Takes Observed in the Herring Fishery 2005 - 2007

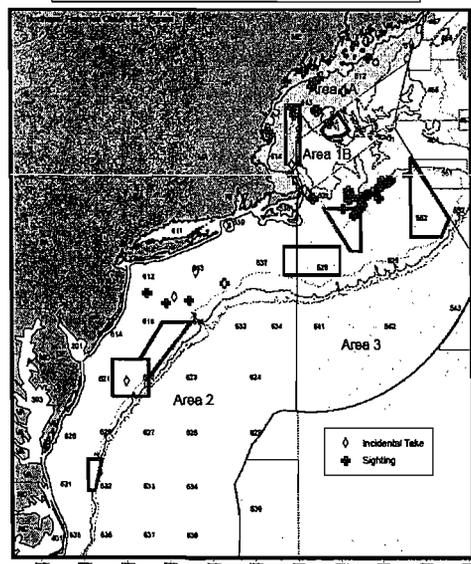
- Bottom Trawl
 - 2 white-sided dolphins
- Paired Mid-Water Trawl
 - 11 white-sided dolphins
 - 48 Northern gannets (58% released alive)
- Single Mid-Water Trawl
 - 1 white-sided dolphin
 - 1 common dolphin
 - 1 pilot whale
 - 2 Northern gannets (50% released alive)
- Purse Seine
 - 18 gray seals (all released alive)
 - 1 harbor seal (released alive)
 - 1 unidentified seal (released alive)

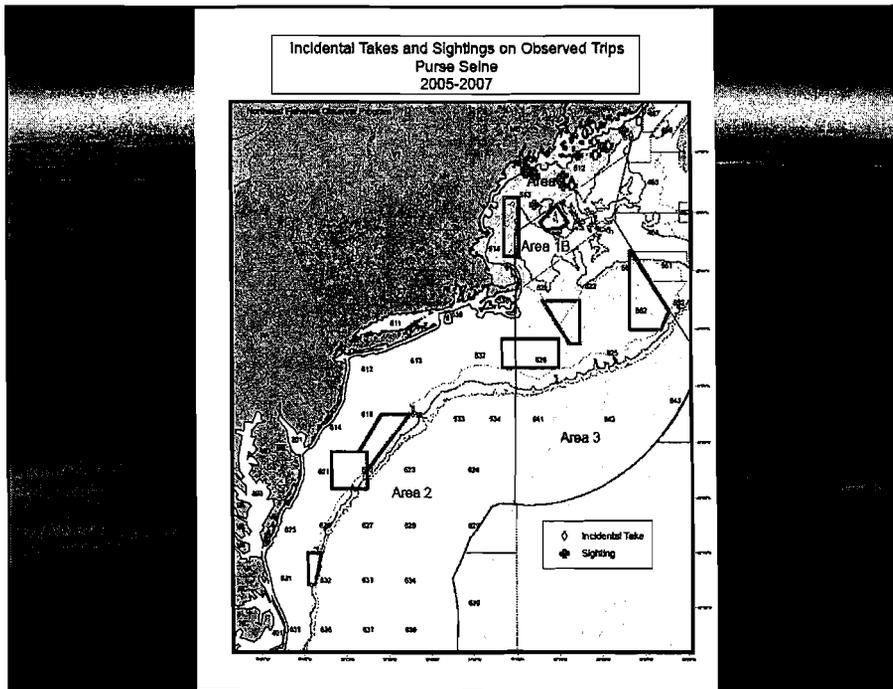


Incidental Takes and Sightings on Observed Trips
Single Midwater Trawl
2005-2007



Incidental Takes and Sightings on Observed Trips
Paired Midwater Trawl
2005-2007





Sampling in the Herring Fishery

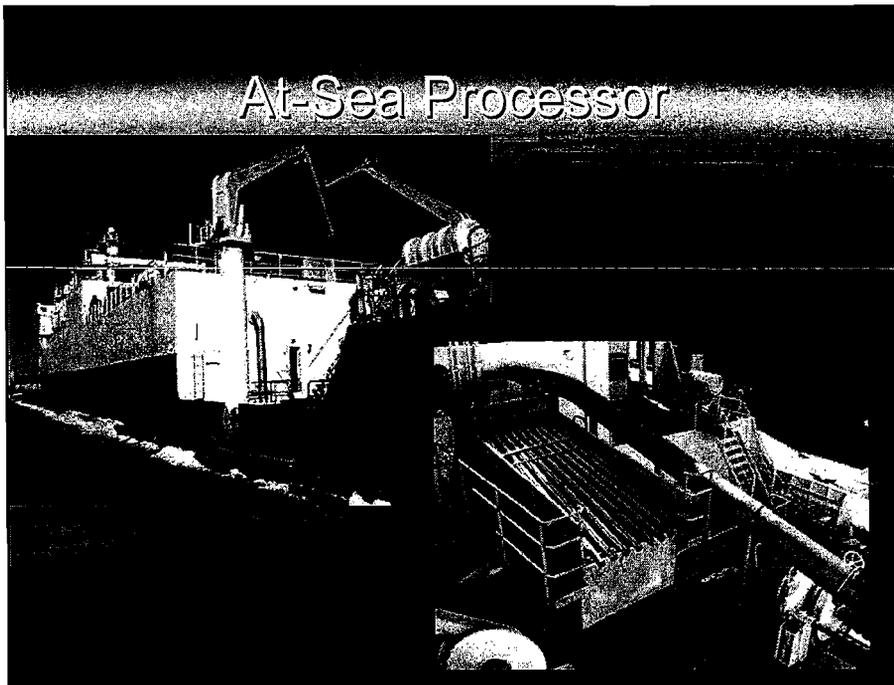
- Depends on gear type used, how the fish are brought onboard, and where they are stored
- Large volume fisheries
 - Catch composition
 - 10 Baskets, subsampled and extrapolated
 - All hand-picked discards are weighed
- Smaller volume using fish bins
 - Catch estimation (volume to volume)

Sampling is described in handout

FORM 3104a
 NMFS FISHERIES OBSERVER PROGRAM
 MARINE MAMMAL, SEA TURTLE, AND SEA BIRD INCIDENTAL TAKE LOG (Front)

PSC #	HULL NUM	GEAR NUM	NET NUM/ DREG/NET POSITION	TIME 24 hours	ACC COND CODE	SPECIES NAME	CODE	TAG NUMBERS (Record the number of tag lines)	ENTANG DOORS	SITU CODE	ANIMAL COND CODE	ANIMAL OVERD? 1=No 2=Yes	PHOTO TAKEN? 0=No 1=Yes	SAMPLE LOG? 0=No 1=Yes	ESTIM LEN cm (if known)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1				:											
2				:											
3				:											
4				:											
5				:											
6				:											
7				:											
8				:											
9				:											
0				:											

COMMENTS: Use identifying characteristics, describe in detail the endangered situation, include a description of the animal and any other related information. Use back of log if more room is needed.

Results from Haul Questions on Being Able to See the Codend (n=387)

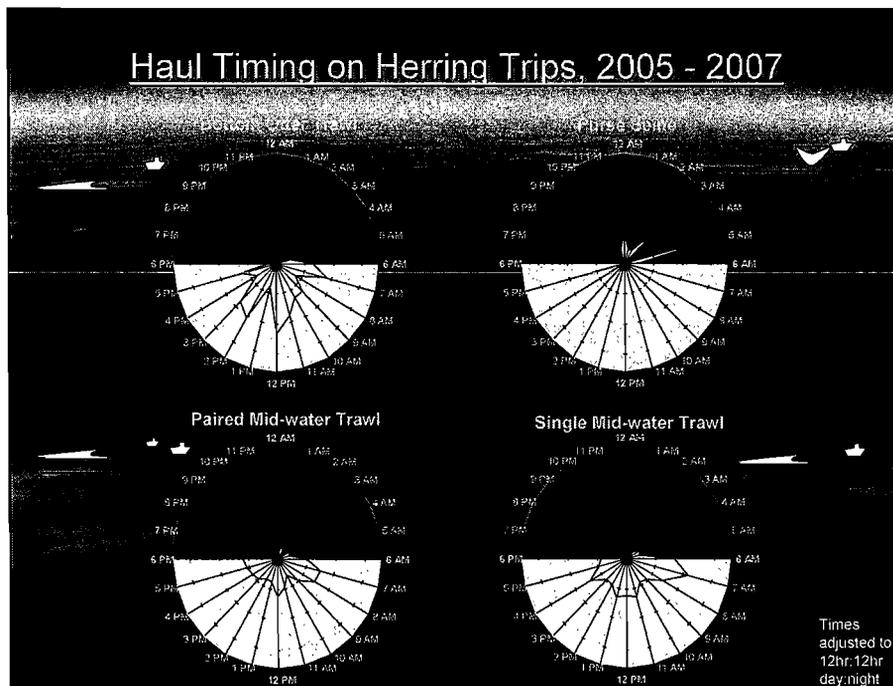
- Was the observer able to see the codend?
 - Mid-water: 49% = No; 28% = Yes; 23% = NA
 - Purse seine: 26% = No; 36% = Yes; 38% = NA
- Were there fish in the codend at the end of the pump?
 - Mid-water: 28% = No; 15% = Yes; 34% = Couldn't see; 23% = NA
 - Purse seine: 34% = No; 24% = Yes; 4% = Couldn't see; 38% = NA
- When the codend was emptied where was it located?
 - Mid-water: 14% = Off Stern; 32% = Side of Vessel; 9% = On Deck; 45% = NA
 - Purse seine: 1% = Off Stern; 43% = Side of Vessel; 4% = On Deck; 52% = NA

Summary of Observed Herring Trips, 2005 - 2007

	Port Lane	# trips		total	Herring (avg fish/trip)		Herring (avg falltrons)	
		(total)	(trips)		(avg fish/trip)	(avg falltrons)		
Bottom Ocer Trawl	GLOUCESTER, MA	1	1	544	2	1.8	62	
	NEWPORT, RI	8	11	536	53	1.2	20	
	POINT JUDITH, RI	6	5	539	36	1.0	55	
Purse Seine	GLOUCESTER, MA	2	2	511	5		35	
	PORT CLYDE, ME	15	13	513	28		28	
	PORTLAND, ME	4	3	512	8		18	
	PORTSMOUTH, NH	3	7	514	4		27	
	PROSPECT HARBOR, ME	6	18	512	6		66	
	ROCKLAND, ME	27	56	513	75		38	
	VINALHAVEN, ME	1	2	511	1		43	
	CAPE MAY, NJ	1	4	518	2	4.4	41	44
	FALL RIVER, MA	1	2	513	2	5.0	35	5
	GLOUCESTER, MA	55	155	514	181	4.3	43	18
Paired Midwater Trawl	NEW BEDFORD, MA	32	92	521	79	4.1	55	35
	NEWINGTON, RI	8	35	522	32	3.5	45	10
	POINT JUDITH, RI	1	2	520	1	2.3	35	
	PORTLAND, ME	26	57	513	35	4.3	54	10
	PORTSMOUTH, NH	2	7	522	6	5.1	28	10
	PROSPECT HARBOR, ME	3	8	512	7	4.7	59	8
	PROVIDENCE, RI	17	31	520	12	3.1	15	
	ROCKLAND, ME	12	38	513	24	5.4	61	13
	ROCKPORT, MA	1	2	518	2	2.4	17	
	VINALHAVEN, ME	11	32	513	21	3.5	52	17
Single Midwater Trawl	BOOTHBAY HARBOR, ME	1	2	513	1	2.5	35	
	FALL RIVER, MA	4	16	514	5	3.4	28	10
	GLOUCESTER, MA	19	64	522	63	4.6	49	
	NEW BEDFORD, MA	4	18	513	12	3.9	55	
	NEWINGTON, RI	1	3	513	1	6.7	66	
	OTHER PROVIDENCE, RI	1	4	527	5	1.9	22	
	OTHER WASHINGTON, RI	1	2	528	7	0.6	18	
	POINT JUDITH, RI	7	17	524	15	3.5	50	
	PORTLAND, ME	29	80	513	57	4.0	50	25
	PORTSMOUTH, NH	2	8	513	7	4.5	65	

Partial or Total "Dumps" in 2007 (releasing catch in the water without pumping)

- 10.7% (11/103) of tows were totally dumped
 - Fish quality was poor
 - Not the desired species
 - Not enough to be pumped onboard
 - Not enough fish to be landed
- 5.8% (6/103) of tows were partially dumped
 - Not the desired species



Catch Composition on Herring Trips, 2005 - 2007

Winter Jan - Apr	Bottom Otter Trawl 61 hauls			Purse Seine 0 hauls			Paired Midwater Trawl 42 hauls			Single Midwater Trawl 20 hauls		
	TOTAL LBS	% TOTAL	% HAULS	TOTAL LBS	% TOTAL	% HAULS	TOTAL LBS	% TOTAL	% HAULS	TOTAL LBS	% TOTAL	% HAULS
Species Group												
Atlantic	36,819	3.7%	10%				28,528	0.3%	38%	66,737	0.3%	62%
All Herring	630,111	78.5%	100%				6,659,695	97.4%	100%	693,574	73.5%	100%
All Mackerel	155,178	19.4%	47%				1,7148	0.0%	48%	117,931	12.3%	83%
Blueback Herring	426.9	0.0%	98%				16,168	0.0%	21%	94,606	4.4%	99%
Commercial Other	18	0.0%	10%				1,025	0.0%	24%	154	0.0%	33%
Cod	141	0.0%	7%				43	0.0%	7%	0	0.0%	0%
Deqfish	56.11	0.0%	8%				1,144	0.0%	6%	2,114	0.0%	60%
Flounders	22	0.0%	15%				0	0.0%	0%	0	0.0%	0%
Haddock	6	0.0%	3%				309	0.0%	14%	0	0.0%	0%
Hakes	2,959	0.3%	44%				413	0.0%	7%	52	0.0%	20%
Monkfish	0	0.0%	0%				89	0.0%	5%	0	0.0%	0%
Non-Commercial Other	1	0.0%	11%				0	0.0%	0%	0	0.0%	0%
Other Herring	832	0.1%	3%				3,331	0.0%	23%	1,124	0.1%	26%
Skates	1	0.0%	0%				2	0.0%	2%	1	0.0%	0%
Squids	1,043	0.1%	70%				220	0.0%	7%	118	0.0%	29%
Trawl	159	0.0%	9%				1,220	0.0%	10%	301	0.0%	50%
TOTAL Species												

Commercial Other				Non-Commercial Other			
BASS, STRIPED	MENHADEN ATLANTIC	SHRIMP, SCARLET		CRAB, HORSESHOE	JELLYFISH, NK	RAYE, SEA	
BLUEFISH	FOLLOK	SHRIMP, NK		CRAB, SPIDER, NK	LAMPREY, NK	SQUID, LONGHORN	
BUTTERFISH	REDFISH, NK	TALTOG		EEL, NK	LUMPFISH	SQUID, NK	
HARE, NK	SCUP	WEAFFFISH		FISH, NK	OCEAN POUT	STARFISH	SEASTAR, NK
LOBSTER, AMERICAN	SEA BASS, BLACK	WOLFFISH, ATLANTIC		HAGFISH, ATLANTIC	OCTOPUS, NK		
MACKEREL, NK	SHRIMP, BK						

Catch Composition on Herring Trips, 2005 - 2007

Summer May - Aug	Bottom Otter Trawl 0 hauls			Purse Seine 32 hauls			Paired Midwater Trawl 69 hauls			Single Midwater Trawl 70 hauls		
	TOTAL LBS	% TOTAL	% HAULS	TOTAL LBS	% TOTAL	% HAULS	TOTAL LBS	% TOTAL	% HAULS	TOTAL LBS	% TOTAL	% HAULS
Species Group												
Atlantic	0	0.0%	0%	0	0.0%	0%	0	0.0%	0%	18	0.0%	3%
All Herring				2,980,833	69.7%	100%	10,499,994	99.8%	100%	5,810,971	69.5%	99%
All Mackerel	670	0.0%	1%				5,223	0.1%	35%	2,769	0.0%	21%
Blueback Herring	0	0.0%	0%				0	0.0%	0%	0	0.0%	0%
Commercial Other	113	0.0%	14%				1,958	0.0%	6%	246	0.0%	14%
Cod	6	0.0%	0%				168	0.0%	6%	37	0.0%	4%
Deqfish	6,127	0.2%	31%				4,372	0.0%	26%	7,759	0.1%	27%
Flounders	0	0.0%	0%				2	0.0%	1%	11	0.0%	14%
Haddock	6	0.0%	0%				3,769	0.1%	21%	2,121	0.0%	24%
Hakes	21	0.0%	0%				521	0.0%	7%	310	0.0%	34%
Monkfish	0	0.0%	0%				21	0.0%	7%	16	0.0%	7%
Non-Commercial Other	69	0.0%	8%				1,657	0.0%	22%	557	0.0%	43%
Other Herring	0	0.0%	0%				339	0.0%	1%	14,041	0.2%	3%
Skates	6	0.0%	0%				0	0.0%	0%	0	0.0%	0%
Squids	426	0.0%	9%				1,224	0.0%	7%	183	0.0%	16%
Trawl	53	0.0%	0%				21	0.0%	0%	83	0.0%	4%
TOTAL Species												

Commercial Other				Non-Commercial Other			
BASS, STRIPED	MENHADEN ATLANTIC	SHRIMP, SCARLET		CRAB, HORSESHOE	JELLYFISH, NK	RAYE, SEA	
BLUEFISH	FOLLOK	SHRIMP, NK		CRAB, SPIDER, NK	LAMPREY, NK	SQUID, LONGHORN	
BUTTERFISH	REDFISH, NK	TALTOG		EEL, NK	LUMPFISH	SQUID, NK	
HARE, NK	SCUP	WEAFFFISH		FISH, NK	OCEAN POUT	STARFISH	SEASTAR, NK
LOBSTER, AMERICAN	SEA BASS, BLACK	WOLFFISH, ATLANTIC		HAGFISH, ATLANTIC	OCTOPUS, NK		
MACKEREL, NK	SHRIMP, BK						

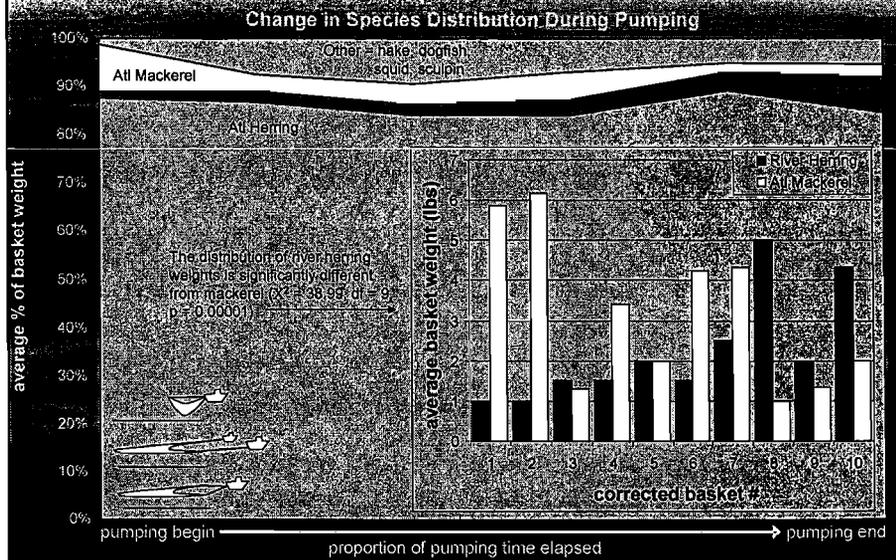
Catch Composition on Herring Trips, 2005 - 2007

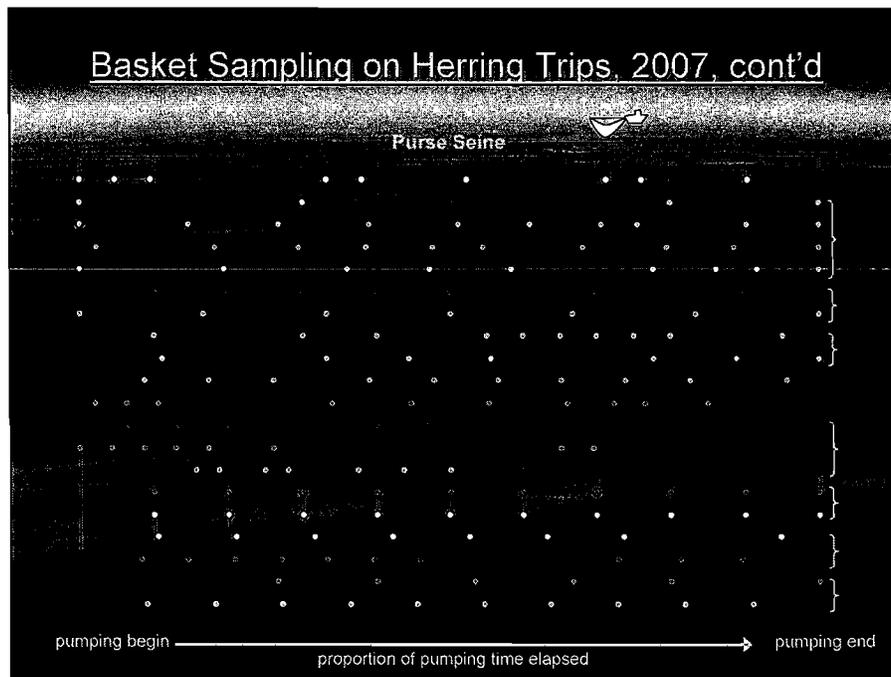
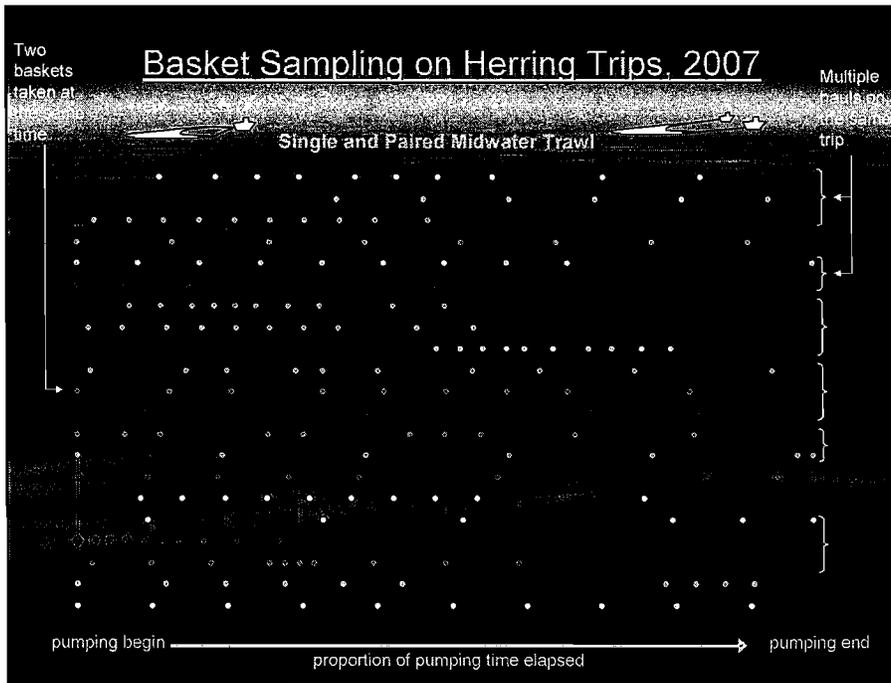
Species / Group	Bottom Otter Trawl 9 hauls			Purse Seine 28 hauls			Paired Midwater Trawl 83 hauls			Single Midwater Trawl 69 hauls		
	TOTAL LBS	% TOTAL	% HAULS	TOTAL LBS	% TOTAL	% HAULS	TOTAL LBS	% TOTAL	% HAULS	TOTAL LBS	% TOTAL	% HAULS
All Herring	77,138	55.4%	100%	3,620,831	99.9%	100%	15,458,499	99.9%	100%	5,349,159	99.9%	100%
All Mackerel	267	0.19%	44%	140	0.39%	1%	425,941	2.7%	1%	24,174	0.45%	3%
Blueback Herring	20	0.01%	1%	0	0.00%	0%	21,574	0.14%	0%	15,471	0.29%	22%
Commercial Other	158	0.11%	26%	22	0.06%	0%	1,933	0.01%	0%	18,000	0.34%	26%
Coel	7	0.00%	0%	0	0.00%	0%	101	0.00%	0%	19	0.00%	0%
Deqfish	1,294	0.92%	13%	141	0.39%	0%	24,264	0.16%	0%	40,609	0.76%	59%
Flounders	175	0.13%	100%	1	0.00%	0%	0	0.00%	0%	47	0.00%	100%
Hadlock	7	0.00%	1%	0	0.00%	0%	2,518	0.02%	1%	22,418	0.42%	33%
Harems	474	0.34%	44%	0	0.00%	0%	6,288	0.04%	2%	10,649	0.20%	15%
Mar Mink	50	0.04%	1%	0	0.00%	0%	112	0.00%	0%	22	0.00%	100%
Non-Commercial Other	11	0.00%	100%	0	0.00%	0%	799	0.00%	100%	1,431	0.03%	75%
Other Herring	0	0.00%	0%	0	0.00%	0%	36,152	0.23%	43%	2,225	0.04%	31%
Skatte	41	0.03%	50%	10	0.03%	7%	5	0.00%	1%	0	0.00%	100%
Squid	5	0.00%	100%	19	0.05%	100%	1,568	0.01%	100%	943	0.02%	100%
Trash	200	0.15%	11%	0	0.00%	0%	200	0.00%	0%	0	0.00%	0%

2 backing straps, 1 wake, 5 shafts, 10 / polypagines, 1 cork, 100 shaft
 2 bluefish, 10, 5 tuna, NK

Commercial Other BASS, STRIPED BLUEFISH BUTTERFISH HAREM TIL LOBSTER, AMERICAN MACKEREL, NK	MENHADEN, ATLANTIC POLLOCK REEF FISH, NK SCUP SEA BASS, BLIND SHRIMP, BK	SHRIMP, SCARLET SHRIMP, NK TAILOR WINTERFISH WOLF FISH, ATLANTIC	Non-Commercial Other CRAB, HORSESHOE CRAB, SHORR, NK EEL, NK FISH, NK HAGFISH, ATLANTIC	JELLYFISH, NK LAMPREY, NK LUMPFISH OCEAN POUT OCTOPUS, NK	FAVEL, SEA SCULPIN, LONGHORN SCULPIN, UK STARFISH, SEASTAR, NK
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Catch Composition on Herring Trips, 2007



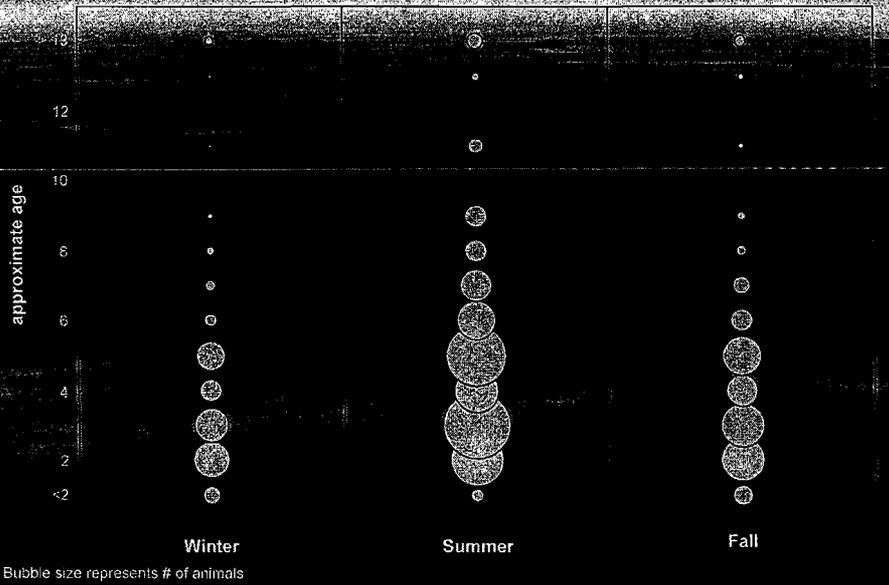


Basket Sampling on Herring Trips, 2007, cont'd



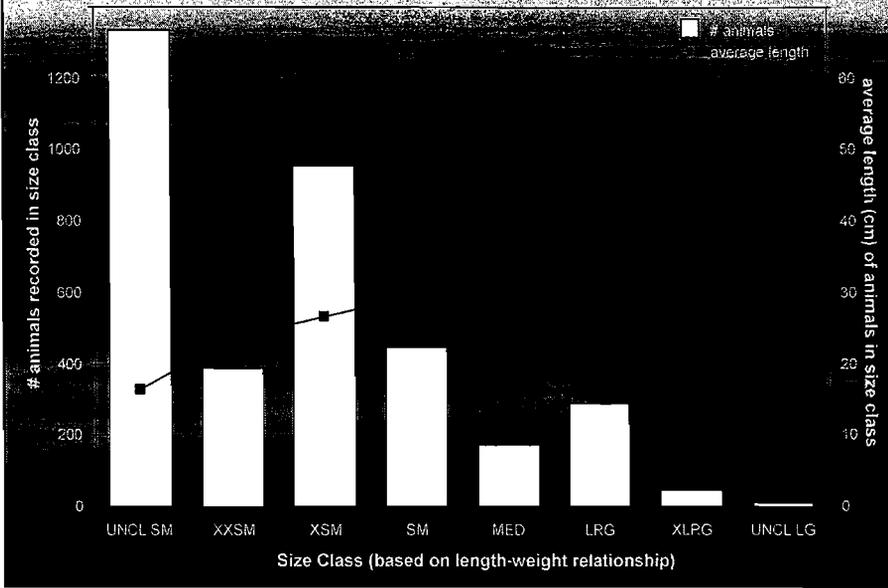
Completeness = the time between the first and last baskets ÷ total pumping time
 (e.g., pumping from 1:00 - 2:00, first basket at 1:10, last basket at 1:55 = 75% complete)
Evenness = the shortest gap between baskets ÷ the longest gap between baskets
 (e.g., longest gap of 20 minutes, shortest gap of 10 minutes = 50% even)

Herring Age Classes on Herring Trips, 2005 - 2007

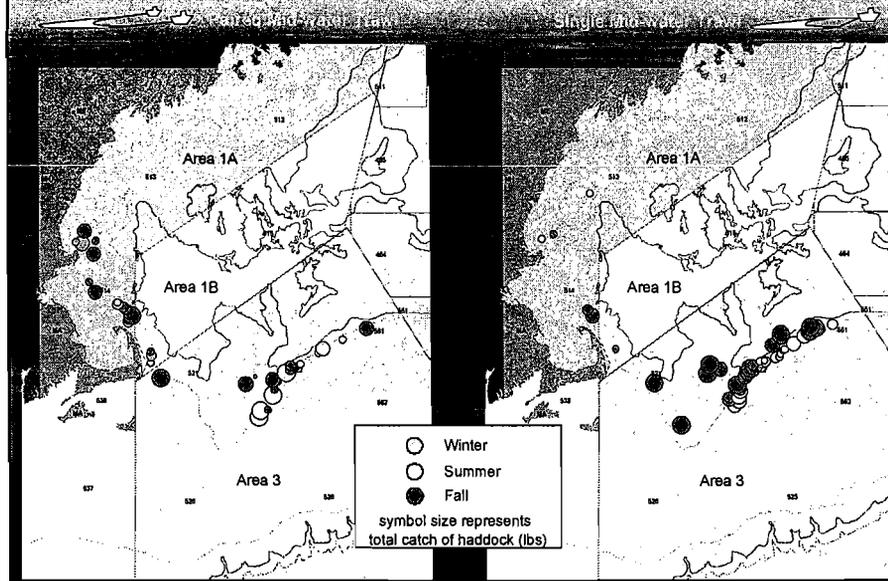


Bubble size represents # of animals

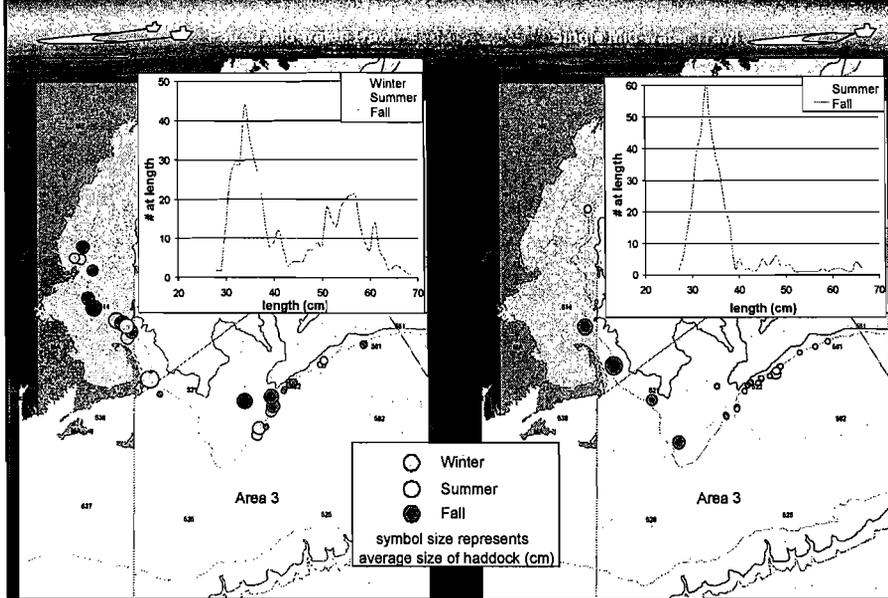
Mackerel Size Classes on Herring Trips, 2005 - 2007



Haddock Catch on Herring Trips, 2005 - 2007



Haddock Size on Herring Trips, 2005 - 2007



Areas Possibly Needing Consideration & Regulatory Support

- Bring closed codend onboard whenever possible and open onboard for observer to see.
- Provide accurate details to the observer on why bags may be partially pumped and released.
- Provide observer notice when pumping may be coming to an end.
- Notify observer of any known marine mammal in the net.
- Provide the observer with a safe sampling station. This may include a safety harness if grating systems are high above the deck, a safe method to obtain basket samples, and storage space for baskets and gear.
- Provide assistance in obtaining basket samples and sorted discards.
- In pair trawl operations: require additional communication between the boats if fish are being pumped to both vessels with only one observer.
- Require completion of the Catcher Vessel Log (or some version of that) in a Catcher/Processor operation.
- Require a flow scale on a Processing Vessel since there is no other method to estimate volume of catch.

Future Considerations to Improve Monitoring

- May want to consider using two observers on larger vessels (125 feet and above is used on West Coast).
- May want to consider using Electronic Monitoring (video camera system), mounted at the grate, if two observers can not be deployed.
- Need to make goals very clear on what the coverage is for.

May 22, 2008 Herring OS Mtg.

Presentation #3 - Portside Bycatch Monitoring

Commercial Catch and Portside Bycatch Sampling of Small Pelagic Species in the Northeast



Overview of the Project

Started in 2001 as commercial catch sampling of herring

Expanded in 2002 to include mackerel

Continued to include other sampling

Expanded in 2004 to include pilot portside bycatch survey

Funded largely by ACCSP

Methods

Targeted herring trips (by gear type)

Range Maine to NJ through out the year

Sampler present at off-loading to a process facility

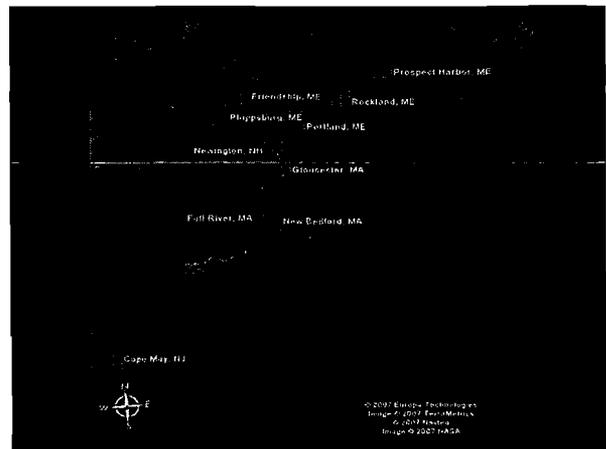
Documents all bycatch by "lots"

Lots are from one trip

Which may or may not be total catch for a trip

Weigh, measure, and takes biological samples by species

Record "Lot" weight, Stat area fished, gear type, and month



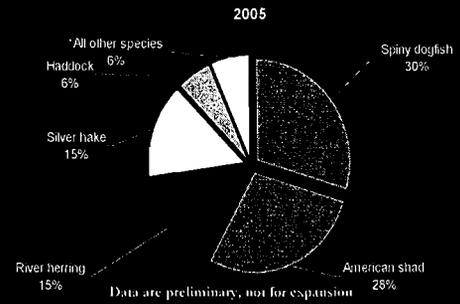
Percent coverage

Look at how many trips and how much herring were seen by our sampler
 coverage is fairly low, but good coverage in some area gear time cells (>44%)

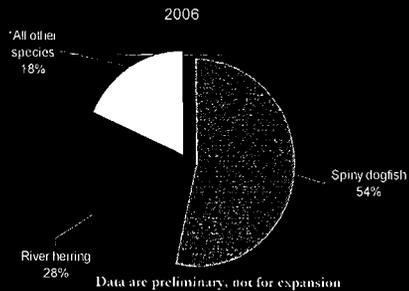
	Trips	MT sampled	% Trip	% MT
2005	63	1,993	2005 6.1	2.1
2006	98	3,325	2006 9.7	3.3
2007	51	1,907	2007 4.7	2.4
Total	212	7,224	Average 6.8	2.6

Data are preliminary, not for expansion

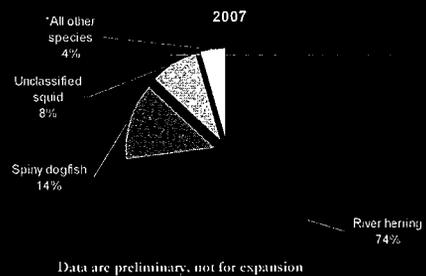
Percentage of bycatch by species across all areas and gear types



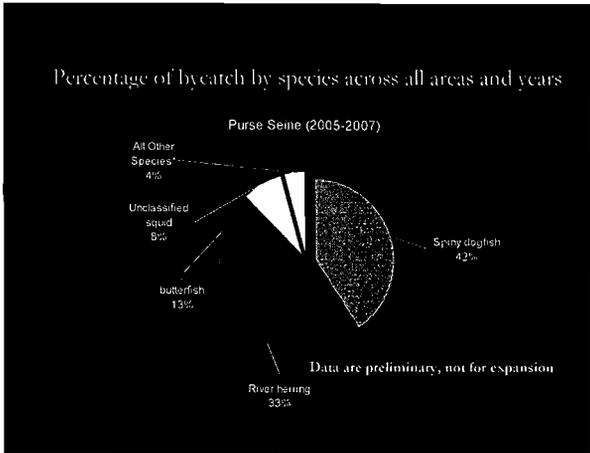
Percentage of bycatch by species across all areas and gear types



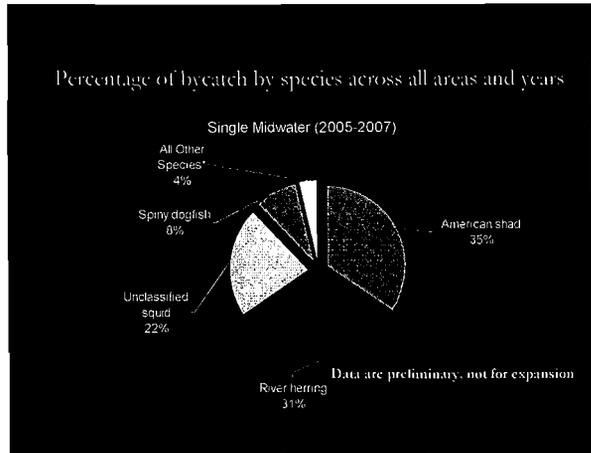
Percentage of bycatch by species across all areas and gear types



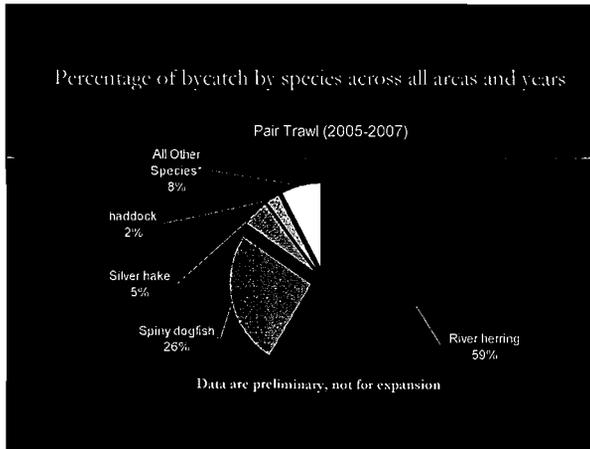
Percentage of bycatch by species across all areas and years



Percentage of bycatch by species across all areas and years



Percentage of bycatch by species across all areas and years



Conclusion

Bycatch is low

0.01% - 1.0% by weight of herring landed

Some much higher and many "zeros"

Species are variable

Based on gear, area fished, and season

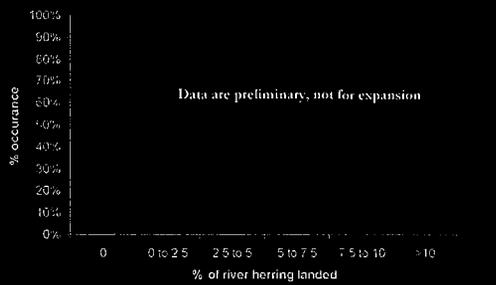
Coverage is limited

Particularly lacking in certain areas, times, & gears

Not to be used for "scaling up" without more analysis

Note: This study examines what was landed, not discards at sea

Percentage of trips in both observer data and portside and the ratio of river herring landed to Atlantic herring



So you can't use straight averages, more like a delta distribution

Next steps

Combine with observer data

Already doing this for river herring

Run analysis

GIS plots, bycatch rates by gear type, season, area, etc.

Compare portside and observer trips

20-24 trips had *BOTH* portside and observers

May try to look more closely at small mesh bottom trawl trips that target herring

Funding a priority

Currently this project

Employs one person

Total cost about **\$110,000** per year

This get us approximately

200 commercial herring samples (CVA & Spawning)

100 bycatch surveys (~6-9% of the fishery)

20 mackerel samples

4 Menhaden samples

Other biological samples for river herring and others

However this project is likely to end next year without funding



New England Fishery Management Council

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

FINAL MEETING SUMMARY

Joint Herring Committee and Advisory Panel Meeting

Holiday Inn By the Bay, Portland ME

July 30, 2008

The Herring Committee met jointly with the Herring Advisory Panel (AP) to: review and discuss all scoping comments received regarding Amendment 4 to the Herring Fishery Management Plan (FMP); review background information about observer coverage and monitoring/reporting issues; work on the development of management alternatives for further consideration in Amendment 4 to the Herring FMP, which may include monitoring and reporting requirements, observer coverage, shoreside monitoring and sampling, annual catch limits (ACLs) and accountability measures (AMs), measures to address herring bycatch concerns in the Atlantic mackerel fishery, and individual and group quota allocation programs (IFQs and sectors, for example), as well as other measures that were suggested for consideration during the scoping process; and develop Committee recommendations for Council consideration in October regarding the specific management measures to be considered further in Amendment 4.

Meeting Attendance: Frank Blount, Chairman; Dana Rice, Rodney Avila, Mike Leary, Bob Beal, and Jim Ruhle, Herring Committee members (Simpson, Gibson absent); Peter Moore (Herring AP Vice-Chair), Al West, Rich Ruais, Peter Baker, Mary Beth Tooley, Chris Weiner, Spencer Fuller, Vito Calomo, Don Swanson, Herring Advisors (9 of 15 herring advisors, Chairman absent); Lori Steele, NEFMC staff; Carrie Nordeen, Hannah Goodale, Barry Clifford, Dave Tomey, NMFS NERO; Matt Cieri and Terry Stockwell, ME DMR; Jason Stockwell, GMRI; Roger Fleming, Zach Klyver, Lara Slifka (CCCHFA), Gary Hatch, Stevie Kelly, Jud Crawford, Greg DiDomenico (GSSA), and several other interested parties.

Ms. Steele started the meeting with an overview of the scoping process for Amendment 4 to the Herring FMP. The scoping period extended from April 18-June 30, 2008. During that time, thousands of comments were received through a series of scoping meetings, written, fax, and email letters. The primary issues addressed by those who submitted scoping comments included catch monitoring for the herring fishery (at-sea and shoreside), quota monitoring and reporting, bycatch concerns, how to address ACLs and AMs, and the important role that Atlantic herring plays in the Northeast Region ecosystem.

Following a brief presentation, a few Herring Committee and Advisory Panel members asked questions about the scoping period and the comments that were received. All scoping comments were provided to Committee and Advisory Panel members, and reference binders were available

to the public at this meeting. Scoping comments are also available for downloading from the Council's website. Ms. Steele encouraged the Committee and Advisory Panel members to continue to review the scoping comments and reflect on some of the specific suggestions made regarding management alternatives that should be considered in Amendment 4.

Measures to Address Herring/Mackerel Fishery Interactions and Bycatch Concerns

Ms. Steele presented a brief background memo prepared by the Herring PDT with information about the overlap between the herring and mackerel fisheries, as well as recent information about any bycatch of herring that may be observed or documented on trips landing Atlantic mackerel (see Meeting Materials – *July 22, 2008 Memo: Background Information Re. Herring/Mackerel Fishery Interactions*).

- Mr. Ruhle noted that the 2007 mackerel fishery was different in that the fish shifted offshore, and opportunities were consequently reduced for smaller and mid-sized boats, which are the boats of particular concern with respect to potential herring bycatch. Some of these smaller boats did not qualify for a limited access herring permit; without a permit that allows them to retain any herring they may catch and with reduced opportunities inshore, many of these vessels did not fish for mackerel during the 2007 fishing year. Mr. Ruhle suggested looking at historical participation in both fisheries in order to get a better sense of the overlap and what may occur as the fisheries continue to evolve in the future.
- Ms. Tooley noted that the data show that there were 51 vessels with open access herring permits that landed less than 1,000 tons of mackerel. She suggested that it would be helpful to have more information about these 51 vessels, as they may be the vessels of greatest concern. What are the characteristics of these vessels, and where are they from? What fisheries do they participate in, and what are they landing? What would be the impacts of the amount of fish they are catching, if they are allowed to catch as much as they have historically? She also reminded the Committee that the Advisory Panel recommended that the Council consider increasing the open access permit possession limit to 25 mt in Amendment 4.
- Mr. DiDomenico reiterated and agreed with the statements made by Mr. Ruhle. He stated that many vessels are so concerned about being found in violation of the possession limit that they are not taking the risk and fishing for mackerel. He also reminded the Committee that discouraging herring fishing in Areas 2/3 at this time is not necessary, as the TACs are not fully utilized in these areas. He suggested that available information for the 2008 fishing year also be investigated for mixing and overlap between the two fisheries.
- Mr. Ruais expressed support for addressing this issue in Amendment 4. He asked why the mackerel have shifted offshore, and several Committee and Advisory Panel members offered their ideas on this issue.
- Mr. DiDomenico asked whether this issue could be addressed as part of the Atlantic herring fishery specifications, ahead of Amendment 4, which is scheduled for implementation at the start of the 2011 fishing year. Ms. Steele noted that while the language regarding the specifications is rather specific and restrictive, there was language added in Amendment 1 to allow some measures to address bycatch to be considered in the specification package. She agreed to investigate this issue further through discussion with NMFS.

1. MOTION: MIKE LEARY/DANA RICE

As an alternative in Amendment 4, that Area 2/3 Category D Incidental Limit be Raised to 25 mt

Additional Discussion on the Motion: Ms. Tooley suggested that the Committee may want to consider limiting this measure to only vessels with mackerel permits. The mackerel fishery is an open access fishery now, but the Mid-Atlantic Council is in the process of developing a limited access program in an amendment. Mr. Calomo asked about whether this could apply to vessels fishing for whiting in Area 1, but the Committee agreed that the intent of the motion is to consider increasing the trip limit only in Areas 2 and 3 because the Area 1A TAC is already fully utilized. The Committee also agreed that the PDT could develop options that incorporate Ms. Tooley's suggestion.

MOTION #1 CARRIED UNANIMOUSLY.

Other Issues for Consideration in Amendment 4

Prior to the lunch break, the Committee and Advisory Panel had a little bit of extra time to start addressing a later agenda item, which was to discuss issues/measures relative to Amendment 4 that were not specifically on the agenda.

2. MOTION: DANA RICE/MIKE LEARY

That the Council consider alternatives to prohibit midwater trawling in groundfish closed areas

Additional Discussion on the Motion: Ms. Steele clarified that if this motion passes, the PDT would begin to develop a range of alternatives that may include either seasonal closed areas, year-round closed areas, or both. Ms. Tooley expressed opposition to the motion and stated that this measure had been discussed already and currently is part of a lawsuit, so available information had already been reviewed. Mr. Moore agreed and stated that this measure should be based on the best available science, which he felt does not support its consideration. Mr. Ruais expressed support for this motion and referenced the number of Amendment 4 scoping comments that recommended consideration of this measure. Mr. Baker agreed.

- Mr. Minkiewicz spoke in opposition to the motion and felt that this measure does not relate to any of the objectives specified by the Council for Amendment 4. He also noted that this measure would require changes to the Groundfish FMP and that it may not be appropriate to consider it in the herring amendment.
- Mr. Fleming, representing Earthjustice, commented on the current lawsuit regarding his group and this measure. He stated that when the original petition was filed, the response from NMFS was that this measure would be better considered by the Council. NMFS indicated to him that the Council had not yet considered this measure in a specific management action. He therefore expressed support for considering this measure in Amendment 4 and offered to provide the PDT with the data that Earthjustice compiled and submitted when filing the original petition. He suggested that since data are incomplete and uncertainty exists, the best approach would be to eliminate midwater trawling from the groundfish closed areas first, and then consider experimental fisheries and additional data

collection to determine whether or not the gear can access the areas without compromising groundfish stock rebuilding and/or incurring significant amounts of bycatch. Mr. Baker expressed support for this approach and suggested that experimental fisheries be considered as part of this measure, similar to approaches that have been taken to establish special access programs for groundfish and scallops.

- Mr. DiDomenico expressed opposition to the motion and noted that NMFS denied the original petition because there was no factual basis to approve it.
- Mr. Rice (NAMA) stated that any areas closed to groundfishing should be closed to all fisheries and that all interactions with multispecies bycatch should be reduced as much as possible.
- Mr. Moore noted that existing observer data has not been collected in a random manner and questioned the validity of any of the existing information.
- Ms. Tooley reminded the Committee that the existing regulations already provide the Regional Administrator the authority to prohibit midwater trawling in the groundfish closed areas if bycatch appears to be greater than 1%.

MOTION #2 FAILED 2-2-1 WITH THE CHAIRMAN NOT VOTING.

Quota Monitoring/Reporting Issues

Barry Clifford from the NMFS Regional Office presented a “permit holder letter” that was released on July 29, 2008 by the Agency. The intent of the letter is to clarify the current notification and reporting requirements for vessels participating in the Atlantic herring fishery. Mr. Clifford and Ms. Goodale answered a number of questions for the Committee and Advisory Panel members, as well as the audience. The Committee and Advisory Panel engaged in a general discussion with the Regional Office about current reporting and notification requirements.

Following the discussion with NMFS, Ms. Steele walked the Committee and Advisory Panel through a staff memo (July 25, 2008; relevant parts attached) that summarizes quota monitoring/reporting issues and provides an outline with recommendations regarding management measures to consider in Amendment 4 to improve real-time quota monitoring and reporting. The Committee and Advisory Panel members were generally supportive of further considering most of the measures provided in the Council staff outline. Mr. Ruais noted that many of the suggestions addressed CHOIR’s concerns about TAC monitoring and could help to improve real-time quota monitoring in the fishery. Mr. Ruhle agreed that many of the measures appear reasonable and should be explored further, but he expressed concerns about some of the proposed measures to address transfers at sea, and he emphasized the importance of some transfer at sea activities in this fishery. After some additional discussion with the Committee and Advisory Panel members, Mr. Ruhle offered a motion to further consider most of the measures in the outline (attached to this summary).

3. MOTION: JIM RUHLE/RODNEY AVILA

To eliminate the proposed measures “eliminating transfers at sea” (II.A. on p.3 of July 25, 2008 Council Staff Quota Monitoring/Reporting Memo) and “restricting transfers of herring at sea to carrier vessels only (II.B on p.3) from further consideration in Amendment 4, but continue to explore other suggestions for measures to address transfers at sea

Additional Discussion on the Motion: None.

MOTION #3 CARRIED UNANIMOUSLY.

4. ADVISORY PANEL MOTION: RICH RUAIS/VITO CALOMO

To support the motion on transfers at sea, as passed by the Committee

Additional Discussion on the Motion: None.

AP MOTION #4 CARRIED UNANIMOUSLY.

The Committee and Advisory Panel briefly reviewed and discussed some background information about Canada’s “weighmaster” program. The program is a dockside monitoring program whereby landings are confirmed by an independent third party called a “weighmaster.” Mr. West summarized some of the major elements of the program in Canada. Mr. Leary expressed support for establishing a mechanism to accurately confirm the weight of herring landings and suggested that dockside monitoring be explored further in this amendment. Mr. Rice agreed but cautioned that the high volume nature of the herring fishery may require approaches other than weighing each fish that is landed. Ms. Tooley reminded the Committee to consider the importance of herring deliveries to dependent island communities in Maine when developing ideas for a dockside monitoring program. In general, the Committee and Advisory Panel agreed that dockside monitoring and weighmaster programs should be considered further as possible alternatives to improve catch monitoring in this amendment.

At-Sea Monitoring/Observer Issues

Ms. Steele presented a brief summary memo regarding the development of management alternatives/options to address at-sea monitoring. Individuals from the NMFS Sea Sampling (Observer) Program who serve on the Herring PDT are working to provide more specific information regarding at-sea monitoring in the herring fishery and potential management measures to be considered further in Amendment 4. A presentation and more extensive discussion is anticipated at the next Herring Committee meeting, probably sometime during mid to late September 2008. As a result, Herring PDT members are seeking guidance from the Committee and Advisory Panel regarding the specific issues and questions to be addressed in greater detail at the next meeting. Ms. Steele emphasized that the more the Committee can narrow the scope and identify specific questions and concerns now, the more informative and helpful the information and presentation in September can be.

5. ADVISORY PANEL MOTION: VITO CALOMO/PETER MOORE

If there are observers placed on herring vessels, that they will be distributed fairly and equally throughout the range of the fishery

Additional Discussion on the Motion:

- Mr. Moore suggested that any observer program for the herring fishery should be designed to yield results that will be statistically valid.
- Mr. Ruais suggested that the Committee explore some options for electronic monitoring and referenced the scoping comments submitted by the Cape Cod Commercial Hook Fishermen's Association (CCCHFA).
- Mr. Leary expressed concern about relying solely on observer coverage, given the limited funding and the need for increased observer coverage in numerous fisheries, not just herring. He also stated that he is opposed to any industry-funded observer programs.
- Mr. Ruhle suggested that the scope of the observer program for the herring fishery should be narrowed by defining the goal of the program to accurately determine bycatch in the Atlantic herring fishery.

AP MOTION #5 CARRIED UNANIMOUSLY.

6. COMMITTEE MOTION (PERFECTED): DANA RICE/RODNEY AVILA

If herring vessels are observed, that coverage be distributed fairly, to meet the needs of science and management, throughout the range of the fishery

Additional Discussion on the Motion: Mr. Rice perfected the language in the motion but expressed that the motion should mirror the previous Advisory Panel motion in terms of intent. The Committee also clarified that its intent, at this time, is to consider all kinds of monitoring for the herring fishery – electronic, at-sea, shoreside, and/or any others as appropriate. Mr. Leary expressed concern about the potential to fund such an observer program over the long-term. Mr. Minkiewicz suggested that the Committee examine the information included in the Omnibus amendment for Standardized Bycatch Reporting Methodology (SBRM) to better understand what levels of coverage may really be necessary for the fishery. He also stated that he feels that observer coverage is a government function and should therefore be funded by the government.

MOTION #6 CARRIED 4-1-0.

Other Issues for Consideration in Amendment 4 (Continued)

The Committee and Advisory Panel revisited the final agenda item for the meeting, which was to discuss issues/measures relative to Amendment 4 that were not specifically on the meeting agenda.

7. COMMITTEE MOTION: DANA RICE/MIKE LEARY

That the Council eliminate quota allocations (group, sector, individual, LAPPs, etc.) from consideration in this amendment

Additional Discussion on the Motion: Even though this issue was addressed at the April 30 AP Meeting, the Herring Advisory Panel agreed to consider the same motion as the Committee at this meeting.

**AP MOTION (SAME MOTION): PETER BAKER/RICH RUAIS
THE AP MOTION CARRIED 5-4-0 WITH THE VICE CHAIR VOTING (CHAIR
ABSENT).**

The Herring Committee continued to discuss Motion #7:

- Mr. Ruhle expressed reluctance in eliminating all forms of limited access privilege programs from consideration at this time.
- Mr. Rice stated that he has not supported consideration of quota allocation measures in this amendment since the beginning of its development. He believes that ultimately, there is not enough support within the industry to justify delaying action on the catch monitoring portion of this amendment in order to develop quota allocation programs, which will be complex and time-consuming. He referenced recent struggles the Groundfish Committee has been dealing with in trying to develop a sector allocation program.
- Mr. Moore and Ms. Tooley both expressed support for continuing to consider quota allocation programs in this amendment and felt that there may be more industry support for quota allocation than some Committee and Advisory Panel members may believe.
- Mr. Minkiewicz expressed opposition to this motion and felt that quota allocation programs should be considered to address problems with the fishery and the utilization of the quota in Area 1A (inshore Gulf of Maine). He noted that the biggest complication with developing a quota allocation program in the groundfish fishery has been how to convert days-at-sea to pounds of fish, and that problem does not exist with respect to the herring fishery.
- Ms. Slifka expressed support for the motion and emphasized the need to improve catch monitoring and have more complete and accurate catch and landings data prior to allocating the quota to individuals or groups of vessels.

MOTION #7 CARRIED 3-2-1 WITH THE CHAIRMAN VOTING TO BREAK THE TIE.

8. MOTION: JIM RUHLE/RODNEY AVILA

In the event that the Council not consider an amendment for any form of LAPP, that the December 31, 2006 date be established for qualification for allocation history in Area 1A

Additional Discussion on the Motion: The Committee further clarified that the intent of the measures is that if a LAPP is established in the future, the Council would consider basing allocation of history in Area 1A on a time period that ends no later than December 31, 2006, prior to the implementation of the Amendment 1 management measures.

MOTION #8 CARRIED 3-2-1 WITH THE CHAIRMAN VOTING TO BREAK THE TIE.

The Herring Committee/Advisory Panel meeting adjourned at approximately 5 p.m.. The Herring PDT will meet at the Sheraton Ferncroft in Danvers, MA on August 14, 2008, to continue work on the development of management alternatives and related analyses for Amendment 4 to the Herring FMP. The Committee agreed to reconvene in mid/late September to continue work and finalize recommendations for the Council to consider at the October 7-9, 2008 Council meeting.



New England Fishery Management Council

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

MEMORANDUM

DATE: July 25, 2008
TO: Herring Committee and Herring Advisory Panel Members
FROM: Lori Steele, NEFMC Staff, Herring PDT Chair
SUBJECT: **Background Information and Discussion Topics for Quota Monitoring/Reporting in Amendment 4**

The following outline is a “strawman” list of issues and ideas regarding quota monitoring and catch reporting for the Herring Committee and Advisory Panel to consider/discuss at the July 30, 2008 meeting. This outline is based on Amendment 4 scoping comments, written comments, and discussion with NMFS Regional Office staff and several members of the Herring Plan Development Team (PDT) regarding the specific issues that should be explored to improve quota monitoring and reporting in Amendment 4. This is simply an attempt to get the Herring Committee and Advisory Panel started in terms of focusing the amendment and developing the details of specific management alternatives. This outline focuses on monitoring and reporting of landings/quota more so than at-sea monitoring and bycatch issues.

I am requesting feedback from the Herring Committee and Advisory Panel regarding the issues described below, as well as any decisions that can be made about which measures to further develop into more detailed management alternatives for the draft Amendment 4 document. Any or none of the issues/measures identified below can be pursued further in the draft amendment, and it is expected that the Herring Committee, Advisory Panel, and Council will provide additional suggestions and ideas, which will be forwarded to the Herring PDT for consideration and feedback.

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
**AMENDMENT 4 QUOTA MONITORING/REPORTING ISSUES:
OUTLINE FOR DISCUSSION (COUNCIL STAFF)**

I. Measures to Improve Reporting Compliance and Real-Time Quota Monitoring

Increasing compliance with reporting will help to improve the accuracy of landings data and quota monitoring, which will lead to more effective management of the fishery. The Council should consider measures to provide for real-time quota monitoring to the extent possible. Some possible management alternatives to consider include:

A. Modifications to the Interactive Voice Response (IVR) Reporting Requirements

1. The IVR could be changed to require vessels to call-in on a trip-by-trip basis (versus the current weekly requirement).
2. IVR reporting deadlines could be changed from Tuesday midnight (current) to Monday midnight – this would provide better lead time for projections and management area closures.
3. Limited access herring permit holders (directed fishery and incidental catch) could be required to report catch through their Vessel Monitoring System (VMS) pre-landing report instead of IVR – this would also streamline reporting requirements for the industry because VMS pre-landing reports are already required.

B. Outreach: The Council could require and work with NMFS to structure an outreach program for improving reporting compliance by vessels and dealers once Amendment 4 is implemented. The Atlantic herring fishery is discrete enough that NMFS could work with the majority of participants in the fishery to standardize and clarify reporting requirements and better ensure that landings/catch data are provided to NMFS in a consistent and complete format.

C. Improve reporting for State Waters Vessels: The Council should work with ASMFC to improve reporting by state-permitted herring vessels. This may include requiring fixed gear fishermen to report herring catch through the IVR system, which is something the Council recommended in Amendment 1 to the Herring FMP. (*Unclear:* What is the status of this requirement? What are the specific reporting requirements for state-permitted Atlantic herring vessels?)

D. Dockside Monitoring/Weighmaster Program: The Council could consider implementing a shore-based monitoring program for landings that includes some form of third party verification, perhaps in the form of what is commonly referred to as a “weighmaster.” Some general information about DFO’s Canadian Dockside Monitoring Program (DMP) is enclosed with this document to give some perspective on how a DMP may be structured. Canada’s DMP is called a “weighmaster” program, but the individuals/companies involved do not weigh the fish; they provide independent, third party verification of landings for DFO and the industry. There are

six approved Dockside Monitoring Companies that provide weighmaster services for DFO and the industry. DFO approves these companies, but the fishermen may select which company they want to employ (see attached summary information).

It should be noted that the Council has recently developed measures for shoreside monitoring of sector landings for consideration in Amendment 16 to the Multispecies (Groundfish) FMP. The proposed provisions are somewhat different than those in Canada; however, the description of the specific management measures under consideration is still a work in progress and not available at this time.

II. Measures to Address Transfers at Sea

NMFS has indicated that the current provisions and allowances for transfers of herring at sea are problematic and may be one of the most challenging problems when trying to resolve differences between databases and/or ensure completeness of Atlantic herring catch/landings data. The Letters of Authorization (LOAs) issued by NMFS for the Atlantic herring fishery currently allow an unlimited amount of herring (or the amount specified by the vessels' permit) to be transferred at-sea (a) from herring catcher vessels to carriers; (b) between federally-permitted herring vessels; and (c) from herring catcher vessels to non-permitted vessels for personal use as bait (see example LOAs to be distributed at July 30, 2008 Meeting). As a result, many transfers of herring at-sea may not be captured in both of the databases (IVR and dealer) used for in-season monitoring of catch and landings, which can lead to incomplete catch data and inconsistencies between datasets. The Herring Committee/Council may want to consider measures to minimize transfers at sea and/or standardize reporting requirements for vessels transferring/receiving herring. Some alternatives may include:

- A. Eliminating transfers at sea;**
- B. Restricting transfers of herring at sea to carrier vessels only;**
- C. Restricting transfers of herring at sea to only vessels with Category A or B limited access herring permits;**
- D. Prohibiting the transfer of herring at sea to non-permitted vessels, even for personal use as bait;**
- E. Restricting transfers of herring at sea for use as bait (by restricting the permit holders that are allowed to engage in the activity and/or the amount of fish allowed to be transferred);**
- F. Requiring a VMS or IVR report every time a transfer at sea occurs;**
- G. Require vessels that engage in transfers at sea to submit a "transfer at sea logbook."**

III. Measures to Eliminate Reporting Redundancies

Duplicative and redundant reporting requirements is an issue that was identified by the herring industry during the scoping process for this amendment. Participants in the herring fishery are currently required to declare a herring trip via the Vessel Monitoring System (VMS), call-in to request an observer prior to leaving port, provide a pre-landing notification through VMS, call-in herring catch through the IVR reporting system, and submit vessel trip reports (VTRs, logbooks) and electronic dealer reports. While developing a comprehensive catch monitoring program in this amendment, there may be opportunities to streamline some of the reporting requirements and consequently reduce the burden on the industry as well as compliance, monitoring, and enforcement costs. Some possible alternatives to consider include:

- A. Requiring limited access herring permit holders (directed fishery and incidental catch) to report catch through their Vessel Monitoring System (VMS) pre-landing report instead of IVR** (mentioned previously in Section I as well)
- B. Modify Declarations In/Out of Fishery:** Efforts should be made to clarify declarations in/out of the Atlantic herring fishery and call-in/reporting requirements in such a way that vessels directing on herring and/or mackerel (and/or whiting) are reporting in the same manner. Currently, some mackerel vessels declare out of the herring fishery when they are targeting mackerel so that they are not subject to the observer call-in requirement and the pre-landing notification. However, these vessels are prohibited from keeping herring they may catch incidentally while fishing for mackerel or other species if they are declared out of the fishery. This creates a complex situation where vessels are “changing fisheries” (and are consequently subject to different requirements) sometimes on a trip-by-trip basis, and this may increase bycatch on trips where herring is unexpectedly encountered, which can happen in what is sometimes a mixed fishery.

This problem could be confounded if/when the Atlantic mackerel fishery becomes a limited access fishery (with potentially different call-in and reporting requirements). In Amendment 4, the Council may want to consider:

1. Working with the Mid-Atlantic Council and establishing a “pelagic” declaration for vessels that may target herring, mackerel, and other pelagic species – these vessels would all be subject to the same call-in and reporting requirements, regardless of what species they may be targeting or what they may catch on a particular trip; if this alternative is considered, whiting and mackerel should be explored as options to include in a pelagic declaration in addition to Atlantic herring, at least in the southern New England and Mid-Atlantic areas (if not everywhere).
2. Modifying current regulations to allow vessels to keep Atlantic herring they may catch incidentally while targeting other species when they are declared out of the fishery, as long as the catch is reported – As an example, vessels that declare out of the fishery would not call-in to request an observer before leaving port, but if they catch herring while fishing for mackerel or another species, they could land

the herring, if the catch is reported and a pre-landing notification is given through VMS.

3. Seasonal declarations in/out of the fishery – the Atlantic mackerel fishery is primarily a winter fishery (December – April), so there may be an opportunity to apply the requirements for declaring in/out of the herring fishery in a seasonal manner, to reduce complexity and burdens on vessels participating in the mackerel fishery.

C. Eliminate the Requirement to Report Zero Catch on IVRs: There may be a way to eliminate the requirement for vessels to call-in and declare zero catch through the IVR for weeks that they are out of the fishery and/or not catching herring. The zero catch call-in requirement does not exist for other fisheries that use IVR reporting (red crab, for example), so ways to reduce this burden could be considered. One approach may be to link the VMS power down provision to an exemption for zero catch IVR reporting so that vessels do not have to call-in to the IVR program during the time when they are in port with their VMS shut off. There may be other approaches to consider as well.

D. Reconsider the current call-in requirement for requesting an observer before leaving port: The call-in requirement for vessels to request an observer before leaving port was established in response to concerns about haddock bycatch and the establishment of the haddock catch cap in the herring fishery. Although developed for a very specific purpose, this requirement has been helpful to the observer program to determine the schedule of observer coverage and know better where and when herring trips will occur. It also helps NMFS to estimate and target specific levels of coverage in the fishery during the fishing year. If the call-in program is set up in the most efficient manner, it can help to reduce operating costs for the observer program, as fishing trips are more predictable and less time is spent determining when/where observed trips should occur. However, there may be some modifications to the current program that would both improve efficiency and reduce the burden on the industry:

1. A more efficient system to examine call-in compliance and evaluate enforcement's response to non-compliance could be explored by NMFS;
2. Additional options for notification could be considered (fax, VMS, email, website);
3. The timing of the requirement could be changed from at least 72 hours prior to something shorter (36 or 48 hours, for example);
4. The call-in requirement could be incorporated into a more comprehensive monitoring/reporting system for the fishery (like VMS, see below).

E. Consider a More Comprehensive VMS Reporting System: The Council could consider expanding the current VMS program so that vessels in the herring fishery could address multiple requirements through their VMS – notification to the observer program prior to leaving port, declarations into/out of the fishery, catch reports, and/or hail notices prior to landing.