



New England Fishery Management Council

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FINAL MEETING SUMMARY

Joint NEFMC Herring Committee/ASMFC Herring Section

Eastland Park Hotel, Portland ME

October 6, 2009

The Herring Committee met jointly with the ASMFC Sea Herring Section on October 6, 2009 in Portland, Maine to: review/discuss Scientific and Statistical Committee (SSC) recommendations for acceptable biological catch (ABC); discuss herring fishery specifications for 2010-2012 fishing years, and develop preliminary recommendations for domestic annual harvesting (DAH), domestic annual processing (DAP), joint venture processing (JVP), border transfer (BT), total allowable level of foreign fishing (TALFF), optimum yield (OY), and other related specifications; discuss/address management uncertainty and develop related recommendations; develop options for 2010-2012 annual catch limits (ACLs) for herring management areas to be analyzed in the specifications package; and address other issues related to 2010-2012 herring fishery specifications.

Meeting Attendance:

Herring Committee: Frank Blount, Herring Committee Chairman, Rodney Avila, Doug Grout, Mike Leary, David Pierce, Mary Beth Tooley, Mark Gibson, Terry Stockwell, Glenn Libby, Erling Berg Herring Committee members (McGee and Odlin absent); Lori Steele and Talia Bigelow, NEFMC staff

Herring Section: Terry Stockwell, Pat White, Dennis Damon, Doug Grout, Ritchie White, Dennis Abbott (Chair), David Pierce, Bill Adler, Mark Gibson, Peter Himchak, Erling Berg, Matt Cieri (TC Chair), Mike Howard (LEC), Chris Vonderweidt (ASMFC Staff), Bob Beal (ASMFC Staff)

Others: Hannah Goodale, Gene Martin, NMFS NERO; Matt Cieri, ME DMR; Dave Ellenton (Herring AP Chair), Peter Moore, Chris Weiner, Jeff Kaelin, Don Swanson, ; Glenn Robbins, Sean Mahoney, John Crawford, Roger Fleming, Gary Hatch, Hank Soule, Curt Rice, Gary Libby, Bob Baines, Ben Martens, Glenn Lawrence, Dan Fill, Michael Brewer, Dana Rice, Stephen Robbins, Randal Tomf, Michael J. Dassatt, Sheila Dassatt, Erin Pelletier, Brian Warren, David Cousins, Michele Gryga, Patrice McCaCarin, Jim Hanscom, Jon Cartoer, David Reingardt, Paul York, David J. Osier, David Libby, James Henderson, Sarah Cotnoir, Meredith Mendelson, Shari Perry, Michael Breyer, Dwight Brewer, Dwight Rodgers, Vito J. Calomo, Dan Fill, Annie Tsehkis, and several other interested parties.

At the beginning of the meeting, Dr. Pierce asked a general clarification question on voting procedure. It was determined that in joint meetings the Committee would make motions first, followed by similar motions from the Section, and concluded with a vote by both the Section and Committee. Dr. Pierce further noted that the potential for conflict could be great if the Committee and Section did not agree on the numbers decided on, as the ASMFC administers such numbers. Mr. Blount reminded the members at the table that differing ASMFC/NEFMC decisions had been made before.

General Overview of 2010-2012 Herring Fishery Specifications

Ms. Steele presented a general overview of the 2010-2012 Atlantic herring fishery specifications, including the Scientific and Statistical Committee (SSC) recommendations for the overfishing level (OFL) and acceptable biological catch (ABC) for the 2010-2012 fishing years. She summarized the issues that the Herring Committee/Section need to address at this meeting and highlighted some important considerations relative to the specifications and the selection of options for further analysis. She summarized the timeline and noted that the Committee would make its recommendations to the Council at the November 17-19, 2009 Council meeting in Newport RI, following a Herring Advisory Panel meeting on November 9 and a Herring Committee/Section meeting on November 10, both in Portsmouth NH. Several questions were asked by Committee and audience members following the presentation:

- Dr. Pierce inquired into the ability of the Council to make changes to the ABC once it has been set by the SSC. He went on to question the Council's ability to make changes in the 2011/12 specifications, and further asked if it would be possible for a new benchmark to be produced by the year 2010 or 2011, a prospect that both the Committee and SSC have supported. Ms. Steele pointed out that as soon as new information is available it can be forwarded on to the SSC and the process could be restarted, however the specs package may not be ready for the 2011 fishing year. She also noted that the Council can initiate a specs package at any time.
- Dr. Pierce also asked if the socio/economic analysis would be included in the package, and if the analysis would be restricted to the impact of these numbers on the herring fishery or if it would address other fisheries like lobster and mackerel. Ms. Steele replied that the analysis would address the suite of impacted fisheries to the extent possible in the small time frame of three weeks.
- Mr. Calomo asked if the stock is overfished or if overfishing occurring, and when the answer was negative he further asked if it would be wise to roll over the specs from the current year into the next due to the uncertainty. This brought the discussion back to the need for a benchmark assessment to address the tremendous amounts of uncertainty as well as questions of finality on decisions made by the ASMFC. Mr. Vonderweidt noted that decision made on the day of the current meeting would be final for the draft document, and final decisions would be held off until after the specification package is released.
- Mr. Baines requested clarification into the effect of economic and social analysis on the setting of the ABC, to which it was replied that there is no effect.
- Mr. Kaelin requested that the Committee consider applying a 1,500 ton underage that exists in Area 2 at the time of the meeting to the following year (2010). He further pointed out that he had spoken with the NMFS about the underage, but pointed out that they would not re-

- Mr. Libby brought up the issue of inshore component mixing, and inquired into the general trends of mixing between inshore and offshore fish. After Ms. Steele explained that Area 1B and Area 2 are typically thought of as transition areas, he went on to question if the seasons can be manipulated to allow for more fishing during the times when the fish are not as mixed. Ms. Steele pointed out that the risk assessment explores these options.
- Mr. Hatch asked if the juvenile fish were being used as a main component of the stock assessment or if the overall population of fish was being considered. Dr. Cieri responded that the ages used were from age two to age six, as herring spawn at age 3.
- Mr. Ellenton expressed concern over the timeline imposed on the analysis of the economic and social impacts, and inquired into who would be performing the analysis.

Management Uncertainty, Stockwide ACL, and Other Specifications

Dr. Pierce brought forward a letter to the Council, addressed to Chairman Pappalardo, describing his rationale for supporting a 145,000 mt ABC for the 2010 fishing year (see October 5, 2009 letter from MA DMF). Dr. Pierce expressed that he was compelled to write the letter in response to SSC recommendations on the ABC, which, he expressed, created a lot of fear that quotas would be significantly smaller than what was used at the time of the meeting. He further noted that overfishing is not occurring, nor is the stock overfished, a fact that both the TRAC and SSC acknowledge. According to the SSC, previous years have shown long term stock size stability, and the industry is at approximately $\frac{1}{2} F_{MSY}$ at the time of the meeting. He then explained that he had revisited the Magnuson-Stevens Fishery Conservation and Management Act to determine if the Act requires a lower ABC in 2010, relative to the status quo. The guidelines, as he read them, say that if overfishing is occurring the ACL's must be established in 2010, and if it is not, as in the case with herring, then the ACLs do not have to be established until 2011.

Dr. Pierce went on to suggest that the OFL could be the ABC for the year 2010. He pointed out that NMFS expects that ABC will be reduced from OFL in order to reduce the probability of overfishing, however a 2010 ABC of 145,000 corresponds to the catch at F_{MSY} . He suggested to the Committee and the Section that he is expecting catch will be near status quo, and the fishery would fish far below the 145,000 mt so F_{MSY} will not be exceeded. He further asserted that once the 90,000 mt ABC as suggested by the SSC gets distributed it could drop the quota to as low as 10,000 MT in Area 1 and based on the overfishing/overfished status. He pointed out that the ABC the SSC had decided on seemed indefensible because it will dramatically impact the herring fishery up and down the coast, and have a dramatic impact on the lobster fishery. Days out of the fishery have been done in recent years to provide a steady supply of lobster bait. He concluded by putting forth the hope that new benchmark would be forthcoming hopefully in the year 2010, but noted that regardless of when the new regulations could be put in place based on the new benchmark, there is still a strong case for making the ABC equal to the OFL in 2010.

Mr. Martin agreed with Dr. Pierce's assessment of the guidelines for mechanisms to establish ACL's. They state that they must be in place by 2010 for overfishing fisheries and 2011 for other fisheries, of which Herring is one. However, he went on to point out that in 2010 the Council is bound by the new provision in the law, Section 302(h)(6) which specifies the duties of the

Council. The Section says that each Council shall develop ACLs for fisheries which may not exceed recommendations from the SSC. The SSC has provided an ABC recommendation and this provision says that the Council can't set a limit in 2010 that exceeds the ABC recommendation. He went on to say that an argument can be made that setting a TAC based on recommendations from the SSC is the functional equivalent of implementing an ACL, which he thought was sensible.

Mr. Martin also described a similar situation with the recreational fisheries in the South Atlantic which has sparked a lawsuit, and pointed out that the lawsuit may provide the answer to Dr. Pierce's questions. He further explained that while the agency does not have the right to implement the ACL process, the lawsuit may affect the flexibility of the Council. He surmised that if the Council wanted the most liberal and least restrictive interpretation of the ACLs they should determine that the annual TAC is not an ACL, thus invoking Section 302(h)(6). To do that, however, he said it would have to be justified under National Standard 2 that the SSC's recommendation is somehow not the best scientific info available at the time. To do that a record and rationale would be needed, proving why the SSC's recommendation does not need to be heeded. He finished by saying that the ideal would be to get the SSC to re-determine the ABC, but noted that it is very difficult to argue this way given what the SSC has already stated.

Ms. Tooley then pointed out that page 66 of Section 302(h)(6) it is stated that the Council has the ability to establish a peer review process that could substitute for SSC recommendation. She pointed out that she believed the TRAC is considered a peer review panel that could give the justification for rolling the specifications. Mr. Martin disagreed, and clarified the difference between a peer review and a peer review process, and pointed out that the assessment review cannot take the place of the SSC. Instead, a panel process would have to be substituted for the SSC process.

Mr. Stockwell requested clarification from Dr. Pierce as to whether his motion would be an option or a standalone. Dr. Pierce responded that it would be an option. If the motion were to pass, it would allow two sets of analysis to be done about the ABCs. Mr. Stockwell further questioned the timing of the option, and expressed concern over the repercussions of the ABC currently set by the SSC.

Mr. Martin responded that a resolution on the issue may take a long time to be explored and would require attorney consultation. If a response was to come from the service then their first question would be if it is permissible to disregard 302(h)(6). Their second action would be to look at the argument on ignoring the SSC advice, which is assumed to be the best available scientific info. He pointed out that it would be a very important factor for NMFS to review whether the disregard is acceptable or not.

Mr. White inquired into the timing of the response from the agency. Mr. Martin responded by reminding those present that the NMFS is not required to accept the Council's recommendations put forth in the specification package, and that they could unilaterally decide to implement whatever specifications are put forward. He further pointed out that everything will have to be worked out before the start of the fishing year. Ms. Goodale pointed out that the first third of the year would be under rollover specs.

1. COMMITTEE MOTION: DAVID PIERCE/MARY BETH TOOLEY

That two options be analyzed for 2010-2012 specifications – (1) ABC equals OFL 145,000 mt in 2010 and ABC equals 90,000 mt for 2011 and 2012; (2) ABC equals 90,000 mt for all three years (2010-2012)

SECTION MOTION (SAME): DAVID PIERCE/DOUG GROUT

Additional Discussion on the Motion: Ms. Tooley noted that the late implementation of the specifications in 2010 further justified the motion, as Area 2 could already be exceeded by that point. Mr. Libby asked that the science be further reviewed and that the SSC revisit it. He also expressed concern about the issue becoming worst in the following years. Mr. Ellington voiced his and the industry's strong support of the motion.

**COMMITTEE MOTION #1 CARRIED UNANIMOUSLY.
SECTION MOTION #1 CARRIED UNANIMOUSLY.**

Management Uncertainty (Continued)

Mr. Blount and Ms. Steele directed the Committee and Section's attention back to the issue of management uncertainty.

2. COMMITTEE MOTION: MARY BETH TOOLEY/ERLING BERG

That current management measures that allocate 5% of the TAC are sufficient to account for management uncertainty related to incidental catch, state waters catch, bycatch, and discards in the fishery

SECTION MOTION (SAME): TERRY STOCKWELL/RITCHIE WHITE

Additional Discussion on the Motion: Ms. Goodale inquired if there was significant uncertainty within the current monitoring program. Ms. Tooley responded that most of the limited access permit holders are accurately reporting catch, and now the group that was hitherto problematic are covered by the 5%, so it shouldn't be problematic anymore. It was then further clarified that bycatch refers to bycatch of herring in other fisheries.

**COMMITTEE MOTION #2 CARRIED UNANIMOUSLY.
SECTION MOTION #2 CARRIED UNANIMOUSLY.**

3. COMMITTEE MOTION: TERRY STOCKWELL/MARY BETH TOOLEY

To accept the PDT recommendation of 16,300 mt for Canadian catch, making the total deduction for management uncertainty 16,300 mt

SECTION MOTION (SAME): TERRY STOCKWELL/RITCHIE WHITE

Additional Discussion on the Motion: Dr. Pierce expressed concern about the weir fishery, which caught 30,000 mt in 2007, most of which were juvenile fish. He expressed further concern over the idea of 16,300 mt being caught with a mean age of two plus. Mr. Martin noted that real time monitoring and information was needed to work through the issues for accounting of overages in the Canadian catch. Mr. Blount asked what would happen if the Canadians don't fish their quota, and Americans fish over theirs but under the total with the Canadians, and wondered

if the AM's still apply. Mr. Adler stated the need to negotiate with the Canadians about controlling their catch and stated his favor of lowering the Canadian catch amount. Mr. Abbott asked what would happen in the Canadians caught 30,000 mt, to which Mr. Martin replied that an issue like that needs to be considered when setting up the AMs.

- Mr. Stockwell inquired where the 16,300 mt recommendation came from, to which the answer was an average age of two plus catch from 1995 onward.
- Mr. Grout asked if current motion included the 5% that was voted on in Motion 2. Ms. Steele clarified that the 5% is not a deduction, but an AM.
- To the question of room for negotiation with the Canadians Ms. Tooley responded that Canadians have no interest in capping the weir fishery.
- In order to add information to the discussion, Dr. Pierce added that the most recent assessment in Canada showed that in 2006 and 2007 the 2005 year class was hit hard; in 2007, almost all weir catch was age 2 fish. Meanwhile in the US the fishing is on the older age classes, making for a tremendous inequity in terms of what we are taking out of GOM relative to the Canadians. He pointed out that the Americans are allowing the Canadians to take the juveniles at their discretion and that is going to effect the American's ability to rebuild in the GOM
- Mr. Moore stated that he cannot support conceding an amount of fish that the Council has no control over to begin with, and therefore cannot support the motion.
- Mr. Kaelin recommended that the state department should be at meetings such as these and the Council should ask them to deal with the Canadian issues. He further proponed that the Americans should take a strong position and should be involved in a resource sharing agreement, and that the Americans shouldn't set anything aside until then. To him it is not just about the GOM, but about the opportunity of US fishery to take advantage of SW Nova Scotia stock which are believed to recruit to the Gulf of Maine.
- Mr. White inquired into the disadvantages of lowering the number to 10,000 this year, seeing as the next years numbers will be detrimental anyway and asked if it is possible to justify a lower number. Ms. Steele asked for clarification on the consequences of exceeding the ABC. Ms. Tooley then stated that a 14 year average is used, and that if the Canadians exceed the estimate the AM's are not triggered. If Canadian catch is over, then when the Americans do the next round of specifications (3 year cycle) the process can change. Mr. Martin pointed out that while it isn't an automatic AM if the ABC is exceeded, at some point the overage has to be considered, which prompted Mr. Libby to express concern about lowering the catch and having to deal with it later.

COMMITTEE MOTION #3 FAILED 4-5.

SECTION MOTION #3 FAILED 2-3.

Ms. Tooley inquired into the possibilities of numbers higher than 10,000 mt. Dr. Cieri responded that there is a greater than 50% chance that the Canadians will be exceed the number if it is less than 16,300. He furthermore pointed out that the chances of the Canadians staying under that number will be slimmer as number gets lower. 16,000 mt has been exceeded twice in the last 5 years, and 12,000 mt exceeded three times. New Brunswick and Nova Scotia have exceeded twice.

Dr. Pierce then mentioned that he felt the issue was contingent on year class strength, and asked if there were any indications of a strong year class. Ms. Tooley responded that it occurred in the New Brunswick weir fishery only, and Dr. Cieri referenced the people present to table 30 on p. 43 of the Draft 2010-2012 Specifications Document. Mr. Correia then clarified that there are two places where the Canadian catch is set; the first when the management uncertainty is set, and second when risk assessment is run. The expected value based on this time series is 16,300 mt, so the risk assessment is going to use that as a hard-wired expected value in the risk assessment.

Dr. Pierce then spent time talking through the last ten years harvest numbers that went into the average that created the 16,300 mt estimate. He expressed his dislike of the year which had 30,000 mt harvested, noting that effort had decreased over the last 10 years, save the last year. He therefore dropped it from the average, and estimated around 12,500 instead. To this, Mr. Blount suggested dropping the highest and lowest years for an average. Mr. Grout noticed a break in the effort reductions about 10 years ago.

Mr. Correia noted that he had looked at tri-mean to find center of distribution, which drops out the highs and lows, from the last 14 years. The tri-mean looks at 25th quartile and the 75th quartile and twice the median, which comes out to 16,200.

4. COMMITTEE MOTION: DAVID PIERCE/MARY BETH TOOLEY

That, for management uncertainty, the Canadian catch deduction would be the average 2+ landings from 1999-2006 (2007 and 2008 are highs and lows) – 14,825 mt

SECTION MOTION (SAME): DAVID PIERCE/DOUG GROUT

Additional Discussion on the Motion: Ms. Steele pointed out that reducing the amount Canada is given is not going to increase the number that can be caught in inshore US waters. She then clarified if it was implicit in the motion that 14,825 is to be the total for management uncertainty.

COMMITTEE MOTION #4 CARRIED 8-1-0.

SECTION MOTION #4 CARRIED 3-0-1-1.

Ms. Tooley asked what OY would be and the answer was twofold:

- Alternative 1: 130,175 MT for 2010, 75,175 MT for 2011, 2012;
- Alternative 2: 75,175 MT for all three years.

5. COMMITTEE MOTION: MARY BETH TOOLEY/TERRY STOCKWELL

For 2010-2012, to set JVP, IWP, TALFF, and the Reserve at Zero, and to set Border Transfer at 4,000 mt

SECTION MOTION (SAME): TERRY STOCKWELL/BILL ADLER

Additional Discussion on the Motion: Mr. Calomo expressed that he was a supporter of the motion, but was unclear on the 4,000 mt was needed if the quota is so low in Area 1A, and wondered why that quota wasn't kept in the US. Ms. Tooley replied that the Magnuson-Stevens Act required a BT be set in the specifications, and that the repercussions of 0 are unknown. She

further pointed out that although the BT has not occurred in some time, the numbers are caught by US fishermen and there is no harm in leaving them at status quo.

**COMMITTEE MOTION #5 CARRIED UNANIMOUSLY.
SECTION MOTION #5 CARRIED UNANIMOUSLY.**

Ms. Steele suggested that the Committee and Section consider specifications for USAP, DAH and DAP. She mentioned that DAH can be justified to set at OY. Based on last motion passing, DAP plus 4,000 will equal DAH. She also mentioned that the processing vessel for USAP has not been utilized, despite specifying it at 20,000 for Areas 2 and 3 in previous years.

6. COMMITTEE MOTION: DAVID PIERCE/RODNEY AVILA

That the USAP specification for 2010-2012 be set to zero

SECTION MOTION (SAME): DAVID PIERCE/PAT WHITE

Discussion on the Motion: Dr. Pierce noted that the Section does not need to vote on this issue, but by doing so sends a message from the states that shore-side processing is of most importance. Mr. Blount clarified that this does not include current frozen and boxed at sea operations (known as Seafreeze).

**COMMITTEE MOTION #6 CARRIED UNANIMOUSLY.
SECTION MOTION #6 CARRIED UNANIMOUSLY.**

7. COMMITTEE MOTION: TERRY STOCKWELL/ERLING BERG

That for 2010-2012, DAH be set at OY and equal to DAP plus 4,000 mt for border transfer (DAP would be DAH minus 4,000)

SECTION MOTION (SAME): TERRY STOCKWELL/RITCHIE WHITE

**COMMITTEE MOTION #7 CARRIED UNANIMOUSLY.
SECTION MOTION #7 CARRIED UNANIMOUSLY.**

Opportunity for Public Comment

Following a lunch break, Mr. Blount provided an opportunity for public comment regarding the development of the 2010-2012 herring fishery specifications.

- Mr. Crawford expressed his concern about way the stock components are being handled. He pointed out that MRAG scientists have looked at issues dealing with risks of collapsing the sub-stock, and pointed out that some of the conclusions of that analysis are not reflected in the risk analysis about to be presented. The MRAG study drew attention to the high sensitivity of the population to sub-stock recruitment and spawner recruit relationships. He also explained that they looked at assumptions about M and demonstrated that small changes in M can have a substantial effect on the success of individual spawning components. He concluded by expressing his concern that the best available science hasn't found its way into the risk assessment so far.
- Mr. Kaelin further pointed out that the PDT had looked at the model and did not consider it material that could be used in the specifications process currently under discussion.

- Mr. Libby remarked that it is mandated that the best science had to be used in decision making. He pointed out that comprehensive monitoring and better assessments can bring scientific uncertainty down, and would help get the ACL closer to fishing limits. He felt that better data and a new benchmark would make more fish available in the future.
- Mr. Calomo expressed his belief that the Herring FMP is one of the best that has been produced because of hard TACs. He added, however, that when you need one product to catch another, the other species have to be considered as well. He also thanked the Committee and Section for getting together and letting the humans (the fishermen) have their say
- Mr. Rogers passed out a letter from the Correa Lobster Co-Operative (see record for this meeting). He felt that the quota cuts being posed for the Herring fishery will ruin the lobster fishery.

Review of Risk Assessment and Identification of Options

Steve Correia from the Herring Plan Development Team (PDT) provided an overview of the risk assessment tool that the PDT has developed for analyzing the TAC/ACL options that are identified by the Committee/Section. The risk assessment projects removals of the inshore (and offshore) components of the stock complex under the various TAC/ACL options based on the most recent information about stock biomass (TRAC 2009), stock mixing, and the proportion of the stock complex that is composed of inshore fish. For the purposes of comparison, the risk assessment converts inshore removals (from Area 1A, 1B, and 2, based on best available information about stock mixing) to a relative exploitation rate that is equivalent to F_{MSY} for the stock complex. While F_{MSY} has not been specifically defined for the inshore component, differences in productivity of the individual stock components are not expected to produce reference points that are significantly different from those for the stock complex as a whole. F_{MSY} , therefore, provides a reasonable basis for comparison, in addition to comparisons to historical removals of the inshore component. Clarification and comments were as follows:

- Mr. Correia clarified the difference between the allocation tool and the risk analysis by saying that the risk analysis draws from a distribution of mixing. He also added that the Council was not going to be able to increase the TACs from where they were last year; the fishery was at 1 million tons of fish last time, and now the B is at 56% of that.
- Mr. Moore made the point that the months can be played around to increase the inshore areas quota, but someone is going to pay for it.
- Dr. Pierce questioned the 18% conclusion for the inshore component. Ms. Steele asserted that the 18% came out of 2006 TRAC benchmark assessment, and that all three sources of info were reviewed to create the percentage, and there is no basis for changing it.
- Mr. Correia clarified that the risk analysis draws from the range and runs 10,000 times, so cannot be rerun at the meeting.
- Dr. Pierce asked what to extent the sampling of the 30,000 mt Canadian catch contributes to the US exceeding the F of 0.24 in the modeling. Mr. Correia explained that it would happen one out of 14 times; about 8% of the time it will draw the 30,000 for Canadian catch. He also explained that if last year's proportions were used and applied to the total TAC, the model will take out more than the total inshore component.

- Dr. Pierce further asked to what extent the worksheet functioned. Mr. Correia then demonstrated that the proportions can change, moving fish around, or the monthly catches can change. He then showed how the ratio of landings to biomass maps into the F_{MSY} . He pointed out that it could be reasonable to exceed the F_{MSY} exploitation rate with this kind of analysis, perhaps in the 0.2-0.3 range, but a 0.4 ratio would be very difficult to justify.
- Dr. Cieri clarified that the risk analysis is based on the most recent addendum and also counts in days out and no landings before June 1.
- During a demonstration by Mr. Correia using the 2009 distribution and 2009 monthly catches, Mr. White asked what would happen if all of the landings were placed between April and the end of July, and Mr. Correia showed him. Mr. Correia then demonstrated, in example 2 in the spreadsheet, an attempt to get closer to a ratio of 0.24. To do so the fish were shifted to area 3 and the fishery closed Sept and Oct in Area 1 and then he distributed catch to the rest of those months. The resulting ratio was about 0.28. Mr. Correia felt this was borderline, in light of the assumption that F_{MSY} should vary between 0.2 and 0.3.
- Mr. Stockwell asked how to resolve the issue of double counting for uncertainty (once with the TRAC and again with the risk assessment). Mr. Correia responded that the ABC buffer is to make sure F_{MSY} isn't exceeded, in the risk assessment we are trying in an analogous way to not exceed F_{MSY} for the inshore component, by keeping the buffer close to OY. Mr. Gibson then explained that they use a triangular distribution of inshore biomass, which involves 3 independent estimates. Each has an individual distribution. The R code can draw off the triangular distribution, and shape of distribution changes. It then becomes a matter of how much the user wants to extend that tails of the distribution, which means the results come out the same, the median only shifts a little. If using a uniform distribution it changes the shape but doesn't change where the middle is.
- Dr. Pierce then inquired about the amount of effort in the new Brunswick fishery. He noted that prior to 2000 active weirs was only above 100 once (at 101). Should there be a strong year class and there is a much lower level of exploitation than what you have historically, he asked if it would be prudent to use shorter time period to reflect the modern effort levels. Mr. Correia assured him that the problem would be circumvented by the stuff going on in the middle of the analysis. Given 14 points in the distribution, the prediction is likely to be pretty robust.

8. COMMITTEE MOTION: MARY BETH TOOLEY/TERRY STOCKWELL

To consider three options that would incorporate historical distribution of catch, historical distribution of the TACs, and the current distribution of the TACs (2009)

SECTION MOTION (SAME): DOUG GROUT/PAT WHITE

Additional Discussion on the Motion:

- Mr. Kaelin noted that the set aside for Area 2 was in the last ten years of the analysis, 1999-2008.
- Dr. Cieri asserted that the current distribution of historical TACs and distribution of catch are going to be roughly the same, and further asked to clarify that those mentioned in the motion will be a historical distribution of the management areas on an annual basis.

- Ms. Tooley noted that her motion was covering all of the OY options that could arise because the PDT can change the numbers in the analysis on a yearly basis. Dr. Cieri suggested that the estimates are going to be relatively high bound and that the Committee and Section might want to consider a broader range.
- Mr. Blount voiced his concern about the options within the motion.
- Mr. Correia showed how taking 36,000 out of Area 1 and putting it all in the summer months results in 18,000 mt out of the inshore population in the summer, not counting Canadians. He further noted that example 1 is the third option in the motion, which gives a ratio of about .37 or .38.
- Ms. Tooley pointed out that in the TRAC, on the first page, it says that individual stocks cannot be identified, but the risk analysis was separating out inshore and offshore components. Ms. Tooley also pointed out that the ratio of 0.37 has been exceeded for every year in the last 40 years. She went on to say that given those numbers, a person would have to believe that the stock has crashed. Mr. Correia replied that fishing at F_{MSY} gives you B_{MSY} on average, but that doesn't mean that if the fishery is operating at $F_{COLLAPSE}$ if it is above F_{MSY} . If fishing higher than F_{MSY} , the stock can be expected to fall below B_{MSY} , which leads to unfavorable conditions.
- Ms. Tooley also noted that the risk assessment is a meta-stock assessment, and that the stock of origin cannot be identified within the fishery. Even if looking at these as relative comparisons, they are interpreted by the agency as absolutes.
- Mr. Correia responded by explaining that his presented analysis is a risk analysis to the inshore component, and not an assessment. He noted that unless it is believed that the inshore component is 50-60 percent of the whole stock, it's not likely the fishery is below F_{MSY} . The average F meets the requirements on the whole, but the F on the inshore component may be twice as high as it should be. The risk analysis is lumping together a lot of inshore spawning groups that there isn't enough information on and so if fishing pressure is high enough the smaller spawning groups can be wiped out.
- Mr. Correia continued by suggesting that F_{MSY} doesn't need to be perfectly attained, but that an F close to it would be wise. Doing so would account for the uncertainty in the inshore component. It also accounts for the possibility of driving the inshore component down, which the assessment wouldn't show because it is broad and driven by the offshore component. He advised the Committee and Section to consider where the upper boundary is located and how much risk they are willing to take on. He noted that the SSC has already raised concerns about the inshore component, and pointed out the PDT has said before that the MRAG estimates weren't safe enough to estimate the parameters.
- Dr. Cieri responded that there are meta analyses that look at all herring stocks and the exploitation rates range from 0.18 and 0.27. He suggested that to the Committee and Section that the best action would be to keep the ratio around 0.24, noting that anything higher than that has a higher risk overall of creating a decline in the inshore spawning component.
- Ms. Tooley responded by saying that exploitation rates should not be set for a subcomponent in the GOM, but that the Committee and Section should consider removal rates differently. She asserted that the GOM has been the most productive area of the fishery, and she believes that even example 1 is ridiculous, as numbers such as those have not been seen since 1961.

- Mr. Correia countered by asserting that the stock has collapsed before, and that evidence exists from the 1980's. The history of the stock isn't long enough, but it is known that the fishery can collapse it. He referenced the history of the groundfish and the origin of the problem being the consistently high removal rates. Mr. Grout agreed with his perspective on historical removals. Dr. Cieri also pointed out that fishing at a high level can be sustained with a really good recruitment rate, as well.
- Dr. Pierce referenced Table 5 on page 6 of the PDT working document as showing relatively high exploitation rates in earlier years and providing reasons to be concerned about the inshore GOM. He pointed out that there is clear indication that when F went below F_{MSY} the stock B_{MSY} rebounds. He also mentioned his own numerical experience that demonstrates how dramatic things can be done in the fishery to no avail.
- Ms. Tooley raised concerns about addressing the inshore component before implementation of the FMP. She emphasized that on initial implementation the FMP the catch was cut for the inshore area and cuts continued to occur. She did not see that anything presented justifies all of the cuts have already been taken, particularly when there have been so many fish seen in the fall, meaning they were coming from the GOM.

MOTION #8 PERFECTED:

To consider three options that would incorporate historical distribution of catch (1999-2008), 2001 allocation of TACs, and the current allocation of the TACs (2009)

Further Discussion:

Mr. Correia noted that each option has three outcomes because of the three different OFLs. Those options, combined with the two different ABCs that were just voted on, produces a total of 12 outcomes for these three options. Mr. Blount asked what will happen if the specifications in place in time and Area 2 TAC goes down, and Ms. Goodale assured him that the NMFS cannot implement a closure until the TAC is in effect. She suggested that the Committee and Section consider transition measures because the landings will count against the TACs that are set. Mr. Ellenton asked if the 2001 had reserves in place, and Ms. Steele determined that there was an 80,000 reserve in Area 2 during the 2001 specifications. Ms. Tooley was disinclined to use a reserve but suggested that if removal rates for the inshore component are so high it would not make the option viable.

COMMITTEE MOTION #8 CARRIED 7-2-0.

SECTION MOTION #8 CARRIED 4-1-0.

Dr. Pierce began a new discussion by suggesting that the proportion of the TAC be changed by area. He proposed to do this by taking away the fall fishery and moving it into the summertime, reducing the TAC in 1A. Mr. Correia reported that the average ratio comes out to 0.32, compared to the desired 0.24. He further explained that the option took 50% out in August, where 100% of August catch comes from the inshore component. He suggested switching August and June to see improvement. He also noted that the available US inshore removals is only 9,000 mt. To get 0.24 a ratio is needed that only removes 9,000 mt

Dr. Pierce then tried to summarize things for the benefit of the Council, by creating options that would show likely outcomes when working with the target ratio. He further pointed out that even if all the removals take place in May and April to accomplish this, it will highlight how the management options are limited. He asked directly for an option that would get the desired 0.24 ratio. In response, Mr. Correia suggested an option in which 1B and 2 took 0% of the TAC, 1A took 25% of the TAC and Area 3 took 47%, with a monthly distribution in April, May, June, July. Dr. Cieri requested that the Committee give the PDT a set number of options to come back with. He suggested one for each area that maximized the harvest, and perhaps one balanced option.

9. COMMITTEE MOTION: DAVID PIERCE/DOUG GROUT

To have an option with 0.25 of the TAC in Area 1A, 0.75 in Area 3, and zero in the other 2 areas, with monthly proportions of catch being 0.25 in April – July

SECTION MOTION (SAME): DAVID PIERCE/DOUG GROUT

Additional Discussion on the Motion: Mr. Stockwell expressed his opposition to having an April/May fishery, and stated the need to come up with some options that will take the fish out from the fall and put them into the summer. Dr. Cieri pointed out that example 3 from Mr. Correia's spreadsheet was just such an example that gets the ratio to 0.28. He further pointed out that the objective doesn't have to be an exact 0.24. Ms. Steele strongly urged the Committee not to develop options that are completely unviable, for example options that allocate zero fish to Area 2. The analysis is burdensome and she opposed options to be analyzed if they had no likelihood of being supported on any level. Dr. Pierce then reiterated that there were no viable options with the ABC that is being used, and expressed the need for insight into the consequences. He then asked for another alternative that would pump all the fish into the June-August and still get us to the 0.24. Mr. Correia got to a ratio of 0.26 using an 18,000 mt limit in Area 1A, which meant none of the other areas could be allocated much. Mr. Adler suggested that the PDT come back to the group with several possibilities to consider. Mr. Abbott then suggested that the motion be withdrawn and substituted with a motion that sets some parameters.

MOTION #9 WAS WITHDRAWN WITHOUT OBJECTION.

10. COMMITTEE MOTION: DAVID PIERCE/TERRY STOCKWELL

To include three more options for analysis – one option would be to Maximize the Area 1A Catch, one option to maximize Area 2 Catch, and one balanced option with reductions across all areas, all to achieve an exploitation rate from 0.24 – 0.28, with necessary adjustments to monthly catches

SECTION MOTION (SAME): DAVID PIERCE/TERRY STOCKWELL

Additional Discussion on the Motion: Mr. Soule asked that the Committee and Section be aware of whom they are trying to help. He explained that maximizing the catch in the spring and early summer won't help fishermen in Area 1A. Such a solution would mean frozen bait and transportation, which adds to cost.

COMMITTEE MOTION #10 CARRIED 7-1-0.

SECTION MOTION #10 CARRIED UNANIMOUSLY.

Mr. Grout noted the number of options, and asked if it was important to have the 2001 TAC allocation option in Motion # 8 as well.

11. COMMITTEE MOTION: DOUG GROUT/DAVID PIERCE

To reconsider Motion #8 for three options:

To consider three options that would incorporate historical distribution of catch (1999-2008), 2001 allocation of TACs, and the current allocation of the TACs (2009)

SECTION MOTION (SAME): DOUG GROUT/DAVID PIERCE

Additional Discussion on the Motion: None.

COMMITTEE MOTION #11 FAILED 2-4-0.

SECTION MOTION #11 FAILED 2-2.

Fixed Gear Set-Asides, Research Set-Asides, and Other Issues

Ms. Steele clarified that the current Area 1A set aside is 500 mt. Mr. Stockwell noted that the fixed gear fishery is exempt from days out. He suggested the need to think about it and possibly come back to it at the next meeting. Mr. Blount then asked if the reduction in the set aside should be similar to the reduction that the rest of the fishery is going to take. Mr. Stockwell replied that it is not a whole lot of fish although seems like a lot right now, and reiterated that he would like to think about it and come back to it in November.

He went on to ask if the fixed gear restrictions are not firm (they can go beyond 500), what would the problem be with having no cap and what have they taken in the past years? Dr. Cieri responded that it existed because there was not a mandatory reporting requirement for monitoring the quota previously. He also stated that they have taken 200 to 250 mt total in the past few years, and that amount gets folded back into the fishery if not taken by November 1st. Ms. Tooley noted that the set aside has not be fully utilized in recent times, and stated that the state of Maine's preference is to come back with something later in order to consider it. Ms. Steele agreed.

12. COMMITTEE MOTION: MARY BETH TOOLEY/TERRY STOCKWELL

To set herring research set-asides (RSAs) at zero for 2010-2012

SECTION MOTION (SAME): TERRY STOCKWELL/RITCHIE WHITE

Additional Discussion on the Motion: Ms. Tooley suggested that with such low quotas there are not enough fish available to take and do research with anyway. Mr. White asked if most of research set aside was sold back to lobster fishery after it was caught, to which there was no known answer. Mr. Ellenton then spoke in support of the motion, due to the low TACs. He wanted to make the point, however, that he and the people he represents had participated in research and it is valuable. He would prefer to get back into RSAs and have some funds for some research in years to come, but noted that the next three years may not be the time to do so. Whatever can be eliminated will be appreciated and needed because the TACs are so small.

**COMMITTEE MOTION #12 CARRIED UNANIMOUSLY.
SECTION MOTION #12 CARRIED UNANIMOUSLY (THE SECTION DID NOT HAVE
A QUORUM FOR THIS VOTE).**

2010 Overages

Ms. Goodale asked the Herring Committee if they felt they should specify what accountability measures they think should happen in 2010 if and when there is a late implementation of the specification package. The potential for already being over once they implement specifications would be great. She explained that the regulations provide latitude through multiyear specifications and that the overage would be taken off in the following year or whatever concept the Committee and Section come up with. The Committee, however, chose not to address the issue.

Opportunity for Public Comment

Before concluding, Mr. Blount provided an opportunity for the public to offer their final comments.

- Ms. Billings-Pezaris, representing the town of Stonington, ME noted that the town had previously written a grant for federal funds to research socio/economic impacts of bait as well as alternatives, done in conjunction with Jim Wilson of the University of Maine. The study just came back and Stonington hosts 300-350 boats, and the lobster fishery to Stonington is worth \$30 million, with anywhere between 6-10 million landed in Stonington alone. She expressed that if bait was cut in half, that could mean \$15 million loss to her town and those surrounding it. She expressed disappointment that the town was trying to be proactive, but that the cuts are coming faster than anticipated. She raises these concerns because it will have huge impacts on the school, police, fire, etc.
- Mr. Ellenton emphasized what a dire situation the town of Stonington could end up in. expressed his feeling that what they are experiencing will be experienced up and down the coast. He then asked for the current TACs to be in place for next year.
- Mr. Fill pointed out that he has seen such an increase in fish around that he was totally stunned about the SSC decision. He asked to bring more scientists out to see the number of fish out there. He asked that the Committee and Section make the reduction slower and air on the side of the fisheries, because it would be a hard on coast of Maine in the winter.

The Herring Committee/Section Meeting adjourned at approximately 6:30 p.m.