



New England Fishery Management Council

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DRAFT MEETING SUMMARY

Herring Committee Meeting (Two Days)

Eastland Park Hotel, Portland ME

March 30-31, 2010

The Herring Committee met on March 30 and 31, 2010 to: continue the development of the catch monitoring alternatives for inclusion in Amendment 5 to the Herring Fishery Management Plan (FMP); and discuss issues related to the timing of the next benchmark stock assessment for Atlantic herring, and develop a Committee recommendation for Council consideration.

Meeting Attendance (both days combined): Doug Grout, Chairman; Rodney Avila, Frank Blount, Jim Fair, Mike Leary, Glenn Libby (March 31 only), Sally McGee, Mike Armstrong (for David Pierce), Terry Stockwell, Mary Beth Tooley, Erling Berg (Day 2 only), Howard King, Herring Committee members (Gibson absent); Peter Baker, Gib Brogan, Jeff Kaelin (Day 2 only), Chris Weiner, Al West (Day 1 only), Herring Advisory Panel Members; Lori Steele and Talia Bigelow, NEFMC staff; Carrie Nordeen, Hannah Goodale, Cheryl Quaine, Aja Peters-Mason, Jon Witzig, NMFS NERO; Matt Cieri (ME DMR), Jason Stockwell (GMRI), Amy Van Atten and Sara Wetmore (NEFSC Observer Program), Jamie Cournane, Herring Plan Development Team Members; Bill Hoffman and Brad Schondelmeier (MA DMF), James Becker (ME DMR), Roger Fleming (Herring Alliance), Zach Klyver, Gary Hatch, Raymond Kane and Tom Rudolph (CCCHFA), Steve Weiner, Sean Mahoney (CLF), Jud Crawford (Pew), Peter Mullen, Eoin Rochford (NORPEL), Mike Brewer, Glenn Robbins, and several other interested parties.

Tuesday, March 30, 2010 (Day 1)

The Herring Committee meeting began with introductions and announcements by the new Committee Chairman (Mr. Grout).

Amendment 5 Catch Monitoring – Funding Issues

The first item on the agenda was a discussion of the March 22, 2010 letter from Pat Kurkul, providing comments on the development of catch reporting and monitoring alternatives for Amendment 5 and funding issues related to the potential establishment of new monitoring systems. Herring Committee discussion focused primarily on the elements of the letter indicating that “the development of new monitoring programs...or specific requirements for existing monitoring programs (e.g., 100% observer coverage) would require new funding sources.” The Regional Administrator urged the Committee to continue to develop Amendment

5 and identify funding sources for alternatives that establish new or significantly expand existing monitoring programs because “without additional funding, these alternatives are not viable.”

- Mr. King asked if there were any other programs in the Northeast with alternative sources of funding. Ms. Goodale replied that groundfish sectors and sea scallops both have differing programs.
- Ms. Tooley asked why Catch Monitoring and Control Plans (CMCP) required additional funding. Ms. Goodale responded by noting that the options in the draft document are not clear and that the “CMCP menu” is not defined, so if new elements are required like dockside monitoring or electronic monitoring, there would need to be a provision to fund those.
- Ms. McGee suggested that an alternative model would be the scallop observer set-aside program which pays for a portion of trips into closed areas. She noted that it is not quite analogous because the fisheries are so different, but there are related concepts that should be explored.
- Mr. Stockwell noted that he appreciated the candor of the letter, but stated that the amendment is too important for too many interests to take options off the table right now without knowing how things will be paid for. He then asked if the Agency will be able to fully fund the observer coverage that has been specified thru SBRM. Ms. Goodale replied that the process would be the same as every year, and that needs for optimal coverage for all fisheries would be laid out and then adjusted with Council input. She pointed out that it will depend on annual resources.
- Ms. Tooley explained that there are dockside monitoring programs in place in ME and MA, and pointed out that federal resources are not the only sources of funding for the Amendment 5 catch monitoring program. She explained that there hasn’t been a way to mesh federal actions with state funds yet, but she felt that it should be possible. Ms Goodale responded that her concern lay with a federal monitoring program having a reliable long-term source of funding. She noted that it cannot be dependent on state funding because of State issues or priorities and other potential sources. Mr. Stockwell then pointed out that the only certainty to be had is if it’s 100% industry funded, and he noted that he did not feel that it was possible, and iterated that putting the entire burden of responsibility on the industry shouldn’t be done. He then stated that the Committee should put forward a desired monitoring program and then figure out how to pay for it, versus coming out of this amendment with no product.
- Mr. Grout asked if non-fundable items are approvable in Amendment 5. Ms. Goodale replied that it is a bit premature to be talking about approvable, but noted that Amendment 16 (Groundfish) says that industry is responsible for funding the monitoring program absent availability of funds. She noted that it can be said that optional sources can be used if they become available, but the program has to keep functioning if other funds are not available. Mr. Blount clarified the language in Amendment 16 which states that if there is no funding then the industry is responsible.
- Mr. Blount expressed his belief that a lot of additional funds are being made for monitoring and other related important issues. He stated that if the options are developed and people understand how important they are, funding can be generated, but if the options are eliminated, then the funding won’t be sought.

- Mr. Stockwell acknowledged the problems associated with requiring the industry to pay for the entire monitoring program and expressed opposition to that approach. He emphasized the need to move forward with catch monitoring, however. He suggested that the Committee move ahead with the options but focus the amendment and cull options as they go.
- Mr. Blount suggested that the Committee move forward with the language from Amendment 16 as an alternative.

1. MOTION: FRANK BLOUNT/SALLY MCGEE

To include the same language from Amendment 16 (Groundfish) regarding funding the monitoring programs

(the industry) “must develop, implement, and pay for, to the extent not funded by NMFS...”

Discussion on the Motion: Ms. Tooley expressed opposition to the motion in the absence of a catch share program for the herring industry. Mr. Fair emphasized the need to first determine what the monitoring needs are, and then determine how the funding will be generated. Mr. Leary expressed concern that the monitoring program may not be as detailed or comprehensive as it should be if the decision is made up-front that the industry will be required to pay for it. Ms. Goodale cautioned the Committee about expecting additional funds to become available.

MOTION #1 FAILED 2-7.

2. MOTION: SALLY MCGEE/HOWARD KING

To develop two funding alternatives establishing a monitoring set-aside, one in addition to the research set-aside (RSA), and one that would replace the RSA. These alternatives will include sub-options that will cover some or all of the cost of a new monitoring system. The percent allocated to the monitoring set-aside may increase as the ABC and the TAC for the fishery as a whole increases.

Discussion on the Motion: Ms. McGee referenced the section of the Amendment 5 discussion document that proposes set-asides to fund dockside monitoring/portside sampling and suggested that these options be expanded to consider sources of funding for all elements of the catch monitoring program. Ms. Steele noted that the Regional Office has expressed concerns about the proposed set-asides in Amendment 5, and Ms. Goodale confirmed that there are a substantial number of problems associated with the current options, as proposed. Ms. McGee expressed support for the concept and encouraged the Committee to continue to develop the options, try to address NMFS’ concerns, and explore the feasibility of a set-aside for funding the catch monitoring program.

MOTION #2 CARRIED UNANIMOUSLY.

The Herring Committee then began discussing the major elements of the catch monitoring alternatives and worked with the Amendment 5 Catch Monitoring Alternatives Draft Discussion Document dated for the March 30-31 Committee meeting.

Section 1.3 – Measures to Improve Quota Monitoring and Reporting

Ms. Steele provided a quick overview of Section 1.3 of the Amendment 5 Draft Discussion document, which includes measures to modify IVR reporting requirements, measures to address VTR and VMS reporting and related provisions, measures to address carrier vessels and Letters of Authorization (LOAs) for the fishery, measures to address vessel-to-vessel transfers of Atlantic herring, and measures to address trip declarations and notification requirements. The Committee then discussed each of these elements in more detail.

The Committee discussed the concept of VMS catch reporting (to replace IVR reporting) and asked for additional information about vessels that may or may not carry VMS on board. Council staff agreed to provide this for the next meeting, along with a description of how VMS reporting works (email, etc.). Mr. Witzig (NMFS Statistics) noted that the Agency is investigating a number of options for IVR and other reporting to provide the industry with greater flexibility to report using current/new technologies. VMS reporting could be required either on a daily basis or at the completion of a fishing trip, and a number of sources may be available to transmit the data to NMFS in a timely manner.

3. MOTION: MARY BETH TOOLEY/RODNEY AVILA

To include an option under Section 1.3.2 to allow for trip-by-trip VMS reporting

Discussion on the Motion: None.

MOTION #3 CARRIED UNANIMOUSLY.

4. MOTION: TERRY STOCKWELL/ MARY BETH TOOLEY

To eliminate 1.3.2.5 require VMS reporting for every offload and transfer – move to considered but rejected

Discussion on the Motion: Mr. Stockwell felt that this option is unnecessary and that the Committee should work to streamline the Amendment 5 document and focus on the best options. He stated that this measure could significantly increase reporting complexity given the number of potential “offloads” that may occur on a given trip.

MOTION #4 CARRIED UNANIMOUSLY.

5. MOTION: TERRY STOCKWELL/ MARY BETH TOOLEY

To eliminate 1.3.4.7 to restrict transfers at sea to trips with an at-sea monitor – move to considered but rejected

Discussion on the Motion: Mr. Stockwell and Ms. Tooley expressed concern about this proposed measure. Both referenced the purse seine fishery as an example and emphasized the need to encourage the sharing of fish. They felt that restricting transfers to trips only when an observer or monitor is on board could actually result in discarding.

MOTION #5 CARRIED 7-2.

6. MOTION: MARY BETH TOOLEY/TERRY STOCKWELL

To create a sub-option under Section 1.3.3.2 that would eliminate requirement for VMS on carrier vessels of a certain size (TBD)

Discussion on the Motion: Ms. Tooley expressed concern about requiring VMS on small carrier vessels and suggested that this sub-option be created to explore this issue further and determine whether a size threshold needs to be considered for this measure. Mr. Rudolph reminded the Committee that the overarching objective of the proposed management measures is to eliminate the reliance on self-reporting, and that all of the decisions about how fish move through the fishery are important with respect to third-party monitoring. Mr. Blount noted that in the Gulf of Mexico, there are provisions being considered to require VMS on 21-foot consoles.

MOTION #6 CARRIED 5-4.

Ms. Steele noted the concerns associated with the option in the document that would maintain the status quo for Category D vessels that transfer herring at-sea.

7. MOTION: MARY BETH TOOLEY/TERRY STOCKWELL

To remove Section 1.3.4.6 from the document – Transfers at Sea for Cat D vessels – move to considered but rejected

Discussion on the Motion: None.

MOTION #7 CARRIED 5-3-1.

Section 1.4 – Measures to Standardize/Certify Volumetric Measurements of Catch

Ms. Steele provided a brief overview of Section 1.4 of the Amendment 5 Draft Discussion Document.

Ms. Steele noted that these measures may not be entirely independent of other measures in the catch monitoring program and may fit better as part of a dockside monitoring/sampling program. As the discussion continued, however, it became clear that the measures in Section 1.4 are intended to address the first objective of dockside monitoring/sampling, which is to confirm the accuracy of self-reported catch. Options to address the more science-based sampling (for bycatch estimates) appear in a later section of the document and relate more to a portside sampling program. After the discussion, the Committee agreed to rename this section “Measures to Confirm the Accuracy of Self-Reporting” for the time being. The entire Herring Committee discussion regarding this issue is summarized below.

- Ms. Goodale noted potential difficulties associated with trying to certify trucks (versus fish holds). Ms. Tooley felt that the approach used by the State of ME (described in the document) could apply to trucks as well.
- The Herring Committee discussed the difference between dockside monitoring for the purposes of verifying landed weight and dockside sampling for the purposes of extrapolating bycatch estimates. Mr. Stockwell agreed that the measures proposed in this section really should be incorporated into some sort of dockside monitoring program, or some program to

confirm the weight of landed catch. He expressed some opposition to requiring flow scales in the fishery but was interested in additional discussion about the issue.

- Ms. Tooley stated that flow scales appear to be very impractical for the fishery and expressed concern about considering a measure to require them. She added that she investigated some potential options for flow scales based on the technology used on the west coast but was unable to find a product that could weigh fish at the rate they are pumped into the holds on herring vessels. She also investigated options for hopper scales (at the dock) but was not successful in finding a product that would accommodate the rate that herring are pumped off the vessels. For example, she noted that the pump in Rockland is engaged at about 3,000 pounds per 30 seconds, and the largest hopper scale she found information about handles 1,500 pounds per 30 seconds at a cost of about \$40,000.
- Dr. Armstrong again emphasized the importance of separating dockside monitoring for verifying landings (more of an enforcement role) and dockside sampling for estimating bycatch (more scientific approach to sampling) and noted that the latter requires samplers to observe entire offloads. The latter is therefore much more resource-intensive and not feasible at a coverage level of 100%.
- Mr. Brogan suggested that these measures be explored further in a white paper investigating the potential application of scales on herring vessels and at the docks. He recommended that information be obtained about industry needs, available products, capacity, costs, and operational issues. The Committee generally supported this idea.
- Mr. Rudolph explained that the measure to require flow scales was originally proposed as part of the CHOIR alternative, along with CMCPs that would provide flexibility for the industry to determine how it wants to handle catch weighing through the first receiver. He noted that his research into flow scales generated cost estimates that were different than those mentioned by Ms. Tooley. He also suggested that the Committee consider an option to require that trucks be weighed in a similar manner to how they are weighed at the dump – full weight and empty weight to determine the weight of the haul, with some correction made for ice and water. He thought that truck scales may be more portable and cost-effective.

8. MOTION: MARY BETH TOOLEY/NO SECOND

To Eliminate Section 1.4.4 Require Flow Scales on Herring Vessels – move it to considered but rejected

The Motion was withdrawn by the maker, and the Herring Committee directed Council staff to develop a discussion paper on the potential application of flow scales both on vessels and dockside.

Ms. Tooley encouraged Council staff to start their research by talking to the herring industry and identifying the needs of the industry with respect to capacity, pump rates, and operational issues. Dr. Armstrong agreed with this suggestion. There was some limited discussion about how measures to require catch weighing for either vessels or trucks could be incorporated into CMCPs.

9. MOTION: MARY BETH TOOLEY/RODNEY AVILA

To add an option to Section 1.4 that would require that trucks/transport vehicles be weighed

Discussion on the Motion: None.

MOTION #9 CARRIED UNANIMOUSLY.

The Herring Committee agreed by consensus to change the title of Section 1.4 to “Measures to Confirm the Accuracy of Self-Reporting” for the time being.

Section 1.5 – Measures to Address Maximized Retention

Ms. Steele provided the Herring Committee with an overview of the section on measures to address maximized retention, including the species to which maximized retention would apply, non permitted and unmarketable species, and other sections which had been carried over from previous documents and meetings.

- Mr. Grout suggested starting with the section regarding the species to which maximized retention provisions would apply.
- Ms. Tooley pointed out that the objectives of maximized retention are unclear and suggested that the Committee focus on what the possible benefits could be and what the Committee wanted to achieve with the measures. She pointed out that retention rates in the fishery appear to be around 97-98% and felt that this is one of the highest retention rates in the region. She also acknowledged concerns about slippage and the lack of ability to quantify and account for it. She then asked if the Committee felt that the retention rate in the fishery is not sufficient, and if it did, she asked that they specify a goal for a retention rate.
- Mr. Leary noted the difficulties in quantifying slippage when the catch is not brought on board, and asked how it could be quantified. Ms. Tooley clarified that he was asking for both discards and the composition of the catch, and then generally asked if maximized retention was the correct tool to use to achieve those goals. Mr. Leary emphasized the difficulty in collection of data in relation to the need to quantify both the composition and quantity.
- Mr. Stockwell suggested the entire section be viewed as a component of maximized sampling, as maximized retention could be an option for achieving maximized sampling. He agreed with Mr. Leary’s points but questioned if maximized retention was appropriate.
- Mr. Grout explained that his understanding of the need was to understand how much was being caught in test tows and determining the species composition and to improve the data collection.
- Ms. Tooley requested that the goals of the measure be identified in the document. She identified some of the goals as being: a better idea of what the discards are, maximizing the sampling of the catch, and assurance of composition of catch and discards.
- Mr. Stockwell noted that difference between a test tow and an entire set; Mr. Grout agreed but noted the need for quantification in sampling. Ms. Goodale noted that the next section noted the discrepancy between the two sections in the document, one requesting access to composition at sea, and the other to addressing the composition once the boat lands.

- Ms. Tooley noted concern with both options for maximized retention, both using exempted/experimental fishery permits (EFPs) and amending other FMPs, and asked for input from Ms. Goodale. Ms. Goodale responded that an objective is needed for an EFP, and noted difficulties on the west coast with a similar program. She suggested that an EFP could be an intermediary step to an amendment. Ms. Tooley noted other difficulties with the West Coast program. She then asked if the Committee really wanted staff time to go towards amending all the FMPs. Ms. Steele stated her understanding that NMFS would execute the measure and that it would be an omnibus amendment, and asked if it would be viable. Ms. Goodale responded that an omnibus amendment to all FMPs would not be viable, due to the very complicated issues, such as with groundfish. She guessed that other management entities would want to weigh in on the measures.
- Ms. McGee suggested that the measures be left in the document and suggested consideration from the Interspecies Committee, which has multiple management bodies represented. She noted a meeting the following week; however, Ms. Steele noted it was too late and suggested it could be addressed in the following meeting and asked that the Herring Committee be specific in its request.
- Mr. Stockwell noted that the job of amending all FMPs would be very large and difficult to do in a meaningful and effective way, and also noted the need to move forward. He questioned what sampling measures were supportable and suggested that identifying those could move the process forward, noting that the measures were competing with one another. He also noted that other ASMFC managed species should include striped bass.
- Mr. Blount voiced support for leaving the measures in and quoted Mr. Lovewell's paper (pg. 21), which explained that funds are pooled from selling the fish in Norway, and that those funds are then used to pay for monitoring. He stated that the Committee needs to figure out how to land the fish, but that the rest of the system is already figured out by Norway.
- Mr. Weiner (CHOIR) stated that he believed maximized retention should be very easy if the fishery is already clean fishery. He noted that every time maximized retention arises, the question of what to do with the fish arises, and issues over safety, but noted that with such a clean fishery it shouldn't be an issues. He noted a lack of coverage in the fishery, and his desire to know how much is in the net hanging by the boat and what species it is. He asked the Committee for specifics on execution, and noted the need to rely less on fishermen's relation of knowledge. He stated the need for NMFS to finance the measures and that the lack of finance threatens the measures and the fishermen. He questioned the intent of the letter from NMFS to which Ms. Goodale replied that the point of the letter was to emphasize that the Committee cannot design a whole program based on the expectation of money being there in the future. Mr. Weiner expressed his belief that it is the responsibility of NMFS to find the money to make this monitoring program work.
- Mr. Paquette asked that menhaden be added to the list for maximized retention. He also noted that discarding of dead fish without recording them may be the reason for many of the stock assessment issues, and asked that they be counted.

10. MOTION: SALLY MCGEE/TERRY STOCKWELL

To request the Interspecies Committee to consider developing a mechanism to allow retention of bycatch of federal and ASMFC-managed species in the Atlantic herring fishery. Also, to potentially consider allowing landing and sale of bycatch as a means to fund monitoring of the Atlantic herring fishery

Discussion on the Motion: Mr. Blount and Mr. Stockwell voiced his support of the motion. Mr. King asked for clarification on the expectations of the Herring Committee for the Interspecies Committee in terms of a timeline. Ms. McGee noted that the expectations would be high, and noted that the same expectation was coming from the scallop fishery in terms of yellowtail flounder bycatch.

Mr. Armstrong questioned if the Herring Committee was overcharging the Interspecies Committee. He noted a lack of concern for the monkfish, squid, and winter flounder bycatch. He suggested that the measure was a very strong response to the problem, and proposed that it could be cured through 100% observer coverage instead, and that it would be needed to enforce the measures that were suggested. He stated a concern for observing river herring dumped on the bait market in Massachusetts, and suggested that there may be other solutions, and pointed out that the objective is to see what is in the dumped bags, not seeing it dumped in the bait market.

Mr. Rudolph voiced support for the motion, but noted that the Committee should not stop work on the measure while the Interspecies Committee considered the issue. He suggested that a selection of species from the list in the document could be made in the meantime. He noted that maximized retention on many of the species of greatest concern, such as herring, mackerel, haddock, and river herring, would face no regulatory stumbling blocks. He also stated his belief that river herring is in the bait market at the present time.

Mr. Rochford (NORPEL) expressed concern over statements that the retention of the species in question was not occurring, and noted that the fish come aboard at rates if between 3 and 10 tons a minute making sorting difficult. He explained that if the fishermen do not have allowances when they come ashore, then the trip can be confiscated, and that that there is zero tolerance on river herring. He stated the need to have provisions to monitor catch levels of all of these species.

MOTION #10 CARRIED UNANIMOUSLY.

The Herring Committee agreed to add menhaden to the list of potential species for consideration in the maximized retention measures. Striped bass was also considered as an addition but an executive order prevents it. The Committee discussed the potential for utilizing an experimental/exempted fishery process for allowing herring vessels to retain unpermitted or prohibited catch under a maximized retention program. Ms. Steele suggested that an experimental fishery process may work if the program were designed to investigate the feasibility and potential for maximized retention in the herring fishery and if the program offered incentives for vessels to participate.

- Ms. Tooley expressed the need for the document to be explicit on how it would be an experiment and how the results would be incorporated into final measures once the experiment ends. She suggested such information as how temporary of a period the experiment would be, what species would be included, and what results would be expected. She also suggested that the agency doesn't want the experiment to be in operation under an EFP for several years.
- Ms. Steele asked for clarification from the Herring Committee as to what sort of approaches should be considered and what sort of incentives could be offered through an experimental fishery process for maximized retention.
- Mr. Rudolph brought the conversation back to the question of why maximized retention would be a good idea. He suggested reducing waste, as 3% changed to pounds could be large. He added it also allows for a confident assumption that landings equal catch which in turn provides a benefit from your dockside sampling program. He stated that he saw this as the most powerful incentive. He stated that if dockside sampling is an alternative that was developed then the more that retention is maximized the more confidence could be had on the dock in what was caught.
- Dr. Cieri expressed concern about encouraging targeting of other species if incentives are provided for maximized retention. Ms. Steele responded that exemptions from days out or allocations were what she was thinking of as incentives; i.e., relief from the herring regulations. Mr. Fair suggested that a herring allocation or relief from regulations would be needed as an incentive for the program to work; something that would be added to the regular season which provided more opportunity to fish when otherwise it would have been prohibited. He noted that bycatch should be landed and counted but not incentivized in a way that would encourage fishing for it.
- Mr. Stockwell noted his concern with the Council undoing the Commission's days out program. He pointed out that there were already enforcement issues, and that he liked the idea of giving a percentage of the quota to vessels that participate in the EFP but not days out.
- Ms. Goodale clarified that the program would be optional and voluntary. Ms. Steele clarified that it would become a research program. Mr. Grout asked if it would be only a limited number of vessels or fleet wide, and Ms. Steele was uncertain. Ms. Tooley asked who would be doing the research if something of that nature is proposed. She noted problems with the Agency conducting the research, and noted that if it were not going to be the PI, then the Committee needs to identify who that will be. She alternatively suggested that it could become a high priority for the RSA. Ms. Goodale agreed with the RSA suggestion and suggested that it could be done through RSA if it was the sole research priority.
- Mr. Rochford suggested that the plants be involved as volunteers as well, suggesting that it would be a more cost-effective option.

The Herring Committee agreed by consensus that Council staff should develop an option for an EFP process to research the potential applicability of maximized retention to the herring fishery. The Committee also agreed to revisit the issue at a later date.

The Committee then discussed the options to address disposition of non-permitted/unmarketable catch. Questions raised include who is responsible for the unmarketable catch once it is landed, can non-marketable fish be sold if they are marketable and what happens to the profits, and what happens to the unmarketable fish.

- Ms. Steele noted that some of the questions were partially addressed by the previous motion, but also noted her concern that the Interspecies Committee would be stymied by other issues and would not get around to addressing these questions. She also expressed concern about the measures in the document under the section being considered being unclear.
- Ms. Tooley explained that the industry is required to keep haddock catch, and that it comes in and the plant holds on to it and then it's put back aboard the vessel and disposed of at-sea. She then reviewed some of the species on the list being considered and where they may go after being retained. She mentioned the suggestion of some sale, but brought up issues with how the catch would be sold.
- Ms. Steele clarified that the Interspecies Committee would be tackling the issue of whether the species would be marketable but suggested that she could create an option based on the current haddock rules.

The Committee then discussed the options for verifying compliance with maximized retention provision. Options included 100% observer coverage, video based electronic monitoring, less than 100% observer coverage, addressing coverage through CMCP, and others. The Committee agreed by consensus to move the options for slippage caps to the sections which address slippage.

11. MOTION: MARY BETH TOOLEY/RODNEY AVILA

To delete Section 1.5.4.1 from the document - 100% Verification by At-Sea Observers – move to considered but rejected

Discussion on the Motion: Mr. Rudolph clarified that there have been three phases of restructuring of the document which may have created confusion, because packages have been taken apart and the pieces are now spread around. He explained that there are two points of confusion: caps and the various measures for verifying maximized retention. He took the opportunity to clarify that the landings caps are going to be different from the slippage caps, noting that slippage caps would be used to determine how often a bag of fish could be released before needing to be sampled. Landings caps and bycatch caps were clarified to be caps on the various bycatch species in the fishery. If the caps are achieved, then the fishery would need to close. Mr. Rudolph and Ms. Steele agreed to confer and resolve the two options that relate to the landings caps at a later date following the meeting.

Mr. Mahoney questioned the utility of removing the alternative, requesting a full discussion and a public comment period. Mr. Stockwell voiced his support for the motion because it could still be incorporated into a CMCP.

MOTION #11 CARRIED 7-3.

Mr. Grout noted that Section 1.5.4.6 of the document was a carryover from another alternative.

12. MOTION: TERRY STOCKWELL/RODNEY AVILA

To eliminate Section 1.5.4.6 – Maximized Retention Techniques Developed in Amendment 5 – move it to considered but rejected

Discussion on the Motion: None.

MOTION #12 CARRIED UNANIMOUSLY.

Ms. Tooley felt that consistent terminology would benefit the amendment, particularly in regards to the various caps that are being considered. Ms. Goodale also asked for clarification on which gear types the maximized retention will apply to, citing language regarding codends and tow speeds. Ms Steele suggested that the language was focused primarily on midwater trawl vessels at this time, and the Committee should consider how the provisions may apply to purse seine vessels as well.

The Committee then discussed the option which addresses consequences of quota or bycatch cap overages. Ms. Tooley requested clarification on attributing an overage for a fleet cap on a specific vessel, which is proposed in one of the options. She expressed concern that the vessels would have no due process and that the possibility existed for penalties to be assigned without looking at mitigating circumstances under this option. The vessel could be eliminated from the fishery if an automatic penalty was issued without due process.

13. MOTION: MARY BETH TOOLEY/ERLING BERG

To eliminate Section 1.5.4.8 from the document – move it to considered but rejected

Discussion on the Motion: None.

MOTION #13 CARRIED UNANIMOUSLY.

Mr. Stockwell noted that the phase-in options proposed for the maximized retention provisions are in need of more detail, according to NERO comments. The Committee agreed that it may revisit this issue at the May 17 meeting as part of the river herring discussion, as there may be opportunities for phasing in maximized retention spatially, based on areas where river herring bycatch is known to occur.

Section 1.6 – Measures to Maximize Sampling and Address Net Slippage

Ms. Steele provided the Committee with an overview of the section on measures to maximize sampling and address net slippage, including measures such as lifting or bringing aboard the codend, maximizing the sampling by at sea observers, and trip terminations. Ms. Tooley discussed the potential difficulties associated with some of the options due to the differences between vessels and equipment, and Mr. Rochford mentioned similar equipment difficulties associated with lifting codends above the water line. He also addressed difficulties associated with dogfish and herring fishermen’s general desire to keep what they catch.

14. MOTION: TERRY STOCKWELL/RODNEY AVILA

To eliminate Sections 1.6.2.1, 1.6.2.2, and 1.6.2.3 from the document – move them to considered but rejected

Discussion on the Motion: Ms. McGee noted that if electronic monitoring was used, bringing the codend on board and making it visible so that it could be documented on the camera may be useful. She therefore recommended that option 1.6.2.3 remain in the document.

MOTION PERFECTED:

To eliminate Sections 1.6.2.1 and 1.6.2.2 from the document – move them to considered but rejected

Further Discussion: Mr. Rudolph took the opportunity to explain that the lifting provision was designed to allow observers to view the net when pumping is finished. He noted the difficulty in identifying quantities and species if the bag is in the air, and suggested letting the industry recommend the specifics on assurance that the observer can verify the empty codend. He also recommended alternatives to bring fish aboard for sampling. Mr. Paquette recommended that the contents of the codend be viewed by the observer on deck.

PERFECTED MOTION #14 CARRIED UNANIMOUSLY.

15. MOTION: TERRY STOCKWELL/RODNEY AVILA

To amend Option 5 of Section 1.6.2.5 to read that observers be allowed to view the contents of the codend after pumping has ended

Discussion on the Motion: Ms. Steele asked to clarify how the measures relate to purse seine vessels that do not have codends and if there should be sampling requirements for them. Mr. Rochford expressed concern that the issue of dogfish clogging the gear and making it dangerous to bring the net on board had not been addressed. Mr. Rudolph pointed out that other options in the document addressed the concern, and specified that the measure was designed to avoid triggering accountability measures like trip termination and slippage caps.

MOTION #15 CARRIED UNANIMOUSLY.

16. MOTION: TERRY STOCKWELL/RODNEY AVILA

To reconsider the tabled motion from the June 2009 Committee Meeting

Discussion on the Motion: None.

MOTION #16 CARRIED UNANIMOUSLY.

17. MOTION (BACK ON THE FLOOR, PERFECTED)

To eliminate the option at the top of p. 29 – require that all fish must be at least pumped aboard the boat so that the entire catch can be sampled by an observer – move it to considered but rejected

Discussion on the Motion:

- Mr. King questioned issues with enforcement and compliance in Closed Area I, and it was clarified that no vessels have been in the area since these measures were implemented. Mr. Fleming noted that the option had been developed for Closed Area I but that it should be considered for the whole fishery.
- Ms. McGee suggested that future fishing in Closed Area I would provide an opportunity to see how the provisions function and if modifications are needed as a result, noting that modifications could be made if problems were discovered.
- Mr. Avila expressed concern about requirements that all fish be pumped aboard.
- Mr. Stockwell noted that the broad provisions are not applicable to the purse seine fishery but they are not considered in Closed Area I because fishing does not occur there.
- Mr. Rochford noted that midwater trawlers were already restricted 1A for most of the year, and then didn't go out fishing on Georges Bank because of haddock bycatch issues. He noted that the exception was Closed Area I where the water is deeper so that herring can be caught with less haddock bycatch. He noted that the provisions for Closed Area I were agreed upon for access reasons, but noted that fishery wide applications would not work.
- Mr. Rudolph opposed motion the motion, stating that it would be a large disservice to the industry if exploration of the provisions in the special rule making did not continue.
- Ms. Tooley pointed out that this measure would apply to all gear types in the fishery and that because purse seine vessels can release fish alive, it may be a waste to require pumping all fish aboard for sampling.

MOTION #17 CARRIED 6-4.

The Herring Committee discussed the option proposed in the document to require trip termination when a slippage event occurs. Ms. Tooley noted the need to define what slipping fish means and the impacts to the different gear types. She also requested specification on what the termination applies to and what is the definition of slipped fish is. Mr. Avila suggested a trip termination when there was more than one event in the same trip. Ms. Steele asked if an observer would therefore need to be on board for a trip termination to be required.

Mr. Stockwell noted that he could not support the motion without more details. He questioned what would happen in the event of technical problems and noted that a trip termination based on mechanical failure would not work, especially with days out of the fishery. He expressed opposition to punitive measures, for example, terminating a purse seine trip based on one tow of small fish, and he asked for additional rationale.

18. MOTION: TERRY STOCKWELL/MARY BETH TOOLEY

To eliminate Section 1.6.3.2, Trip Termination, from the document and move it to considered but rejected

Discussion on the Motion:

- Mr. Rudolph noted the lack of disincentives for slipping fish. He reviewed some of the history of the development of the alternative and suggested the development of sub-options to make trip termination work as no other options seemed viable.
- Mr. Fleming pointed to the history of the measure being a part the Closed Area I proposed rule and supported keeping the measure in the document.
- Mr. Weiner noted that the proposed provision is one accountability component of the maximized retention provisions.
- Mr. Stockwell noted that he was not trying to remove accountability but pointed out that the option is not clear and may not be viable.

19. MOTION: TERRY STOCKWELL/SALLY MCGEE

To table the previous motion (#18) until the morning discussion

Discussion on the Motion: None.

THE MOTION TO TABLE MOTION #18 CARRIED UNANIMOUSLY.

The Herring Committee agreed to reconvene early at 8:30 a.m. to address the tabled motion.

Day 1 of the Herring Committee meeting adjourned at approximately 6:20 p.m.

Wednesday, March 31, 2010 (Day 2)

The Herring Committee convened early to resolved unfinished business from the March 30 meeting prior to moving on with the day's agenda. One motion concerning measures to address net slippage was tabled (#18), and the Committee needed to finish its discussion on the other measures under consideration to address net slippage.

20. MOTION: TERRY STOCKWELL/JIM FAIR

To reconsider the tabled motion from the March 30 meeting

Discussion on the Motion: None.

MOTION #20 CARRIED UNANIMOUSLY.

21. MOTION #18 BACK ON THE TABLE FOR DISCUSSION:

To eliminate Section 1.6.3.2, Trip Termination, from the document and move it to considered but rejected

Further Discussion on the Motion: Mr. Stockwell asked if he could withdraw the motion, but it was noted that the motion required a vote because it had already been debated.

MOTION #21 (PREVIOUSLY #18) FAILED UNANIMOUSLY.

22. MOTION: TERRY STOCKWELL/RODNEY AVILA

To task the PDT to develop trip termination options for slippage events, applicable to different gear types, vessel sizes, and observer rates

Discussion on the Motion: Mr. Stockwell noted that he wanted the PDT to consider operational differences between larger and smaller vessels, as well as between trawlers and purse seiners. Mr. Fleming expressed support for the motion but also expressed concern that the Closed Area I provisions were eliminated from the document. He felt that in eliminating the Closed Area I option, the Committee may have limited its options to address slippage and maximize sampling. Ms. Goodale was uncertain how the observer rates apply to the development of trip termination options.

MOTION #22 CARRIED UNANIMOUSLY.

Before moving on, Ms. Steele again noted that very few of the measures to maximize sampling and address net slippage were designed for purse seine vessels and suggested that the Herring Committee give this issue more consideration, perhaps at a future meeting. She also suggested that the Committee consider expanding the option to require an affidavit for slippage events to include purse seine vessels as well as midwater trawl and pair trawl vessels.

23. MOTION: GLENN LIBBY/TERRY STOCKWELL

To include all gear types in the option to require an affidavit for slippage events (Section 1.6.3.1)

Discussion on the Motion: None.

MOTION #23 CARRIED UNANIMOUSLY.

Section 1.7 – At-Sea Monitoring Program

Ms. Steele provided the Committee with a brief overview of the section related to the development of an at-sea monitoring program and management measures to enhance observer coverage.

- The Committee briefly discussed the current approach for assigning observer coverage, based on the standardized bycatch reporting methodology (SBRM).
- Dr. Armstrong suggested that the sampling program in Amendment 5 try to sample the fishery more strategically, to achieve specific objectives/priorities. Ms. Tooley noted that sampling for haddock bycatch could be focused on Area 3 and sampling for river herring bycatch could be focused on Area 2 in the winter and Area 1A in the fall.
- Ms. McGee suggested that the Committee revisit this issue at the May meeting when discussing measures to address river herring bycatch. She felt that a relatively simple approach could be to target sampling in the “hotspots” for river herring bycatch that may be identified by looking at available data.
- Mr. Stockwell felt that a broad range of coverage is necessary for the fishery but that developing a specific option based on a combination approach (at-sea and portside) for achieving the priorities is too complicated at this time.

24. MOTION: TERRY STOCKWELL/MARY BETH TOOLEY

To eliminate Section 1.7.3.4 from the document – move it to considered but rejected

Discussion on the Motion: Mr. Stockwell felt that portside sampling should complement observer coverage to generate a comprehensive monitoring program for the fishery. Portside data can be used to groundtruth assumptions and data extrapolation. However, he noted that portside sampling is much more cost-effective and emphasized the need to develop an efficient monitoring program. He stated that while additional discussion should occur about how to use both elements of the monitoring program in the most efficient way, he did not feel that this option was necessary in the document at this time.

MOTION #24 CARRIED 8-1-1.

Mr. Grout asked for further clarification on how at-sea sampling coverage could be distributed strategically to achieve desired objectives/priorities. Ms. Van Atten noted that the current observer days are allocated as strategically as possible based on priorities at the time. Currently, observer coverage is analyzed based on gear type, but further guidance from the Council can be relatively simple regarding how to define the strata for sampling – by area or season for example. She noted that while a baseline of coverage across the entire fishery is necessary, additional coverage can be allocated based on priorities. **The Herring Committee agreed to revisit this issue at the May Committee meeting as part of the development of management measures to address river herring bycatch.**

Ms. Tooley suggested that the option in the document to require 100% observer coverage may not be feasible.

25. MOTION: MARY BETH TOOLEY/NO SECOND

To eliminate Section 1.7.3.1 100% Observer Coverage from the document – move to considered but rejected

MOTION #25 FAILED FROM LACK OF A SECOND.

- Mr. Stockwell felt that the Committee should continue to consider a complete range of alternatives for observer coverage at this time but agreed that 100% observer coverage may not be feasible.
- Ms. Goodale asked for clarification that the provisions in the document for portside sampling service providers also apply to at-sea monitoring service providers (yes). Regarding this issue, Ms. Van Atten expressed concern about the proposed provisions in the document that would require service providers to meet minimum eligibility requirements including a high school diploma. She suggested that the Committee consider minimum standards that are consistent with the National Observer Program, which require a college degree but provide opportunities for a waiver from the college degree based on certain provisions. Mr. Stockwell stated that the Groundfish Committee discussed this issue in great detail and expressed opposition to changing the proposed requirements. Ms. Tooley agreed.

Section 1.8 – Dockside Monitoring Program (to be titled “Portside Sampling Program” in the Amendment 5 Document)

Ms. Steele suggested that the Committee agree on some consistent language for this section of the document – portside sampling, dockside sampling, shore-based observing, etc. are all used interchangeably at this time and may mean different things. The Committee agreed to use the term “portside sampling” to refer to this element of the catch monitoring program, which will be designed to sample landed catch to obtain information about bycatch of various species. The Committee also agreed that the objectives identified in this section should be modified to reflect the notion that this program is designed to sample for bycatch, not to confirm the accuracy of self-reporting (which is addressed in a previous section of the document). Ms. Steele suggested that some discussion of how at-sea sampling data and portside sampling data relate to each other be added to this section of the document.

The Committee discussed options for levels of coverage for a portside sampling program. Mr. Grout asked how the appropriate levels of coverage could be determined? Mr. Stockwell wondered what the minimum levels of coverage would be to allow for extrapolation of the data across the entire fishery. Dr. Cieri noted that the levels of coverage will depend on the priorities, similar to at-sea monitoring. He noted that the PDT will be looking at trips with overlapping sampling (at-sea and portside) but that there have not yet been enough overlapping trips to analyze whether the data are comparable for all species. From a technical aspect, he noted that developing a comprehensive program to achieve a specific set of objectives (in the form of CVs for bycatch estimates) would be a more appropriate approach than developing separate programs with separate objectives. He suggested that the Committee provide guidance to the PDT

regarding the desired precision estimates for priority species, and the PDT will develop some analysis to provide insight as to what the coverage levels for such a program may be. The Committee agreed to this approach.

Dr. Armstrong asked why the option for less than 100% coverage without any extrapolation remains in the document, given the Committee's discussion. Mr. Rudolph noted that this option is a remnant of the original CHOIR proposal and was not brought forward as a preferred approach at that time, nor is it preferred at this time.

26. MOTION: TERRY STOCKWELL/MIKE LEARY

To eliminate Section 1.8.4.3 from the document – move it to considered but rejected

Discussion on the Motion: None.

MOTION #26 CARRIED UNANIMOUSLY.

Ms. Tooley expressed similar concerns about the option to require 100% dockside monitoring (portside sampling) to the concerns she had about the option to require 100 observer coverage. She emphasized the need to remove options from the document that do not appear feasible and/or for which available resources cannot support. She opposed including any non-viable options in the Amendment 5 public hearing document.

27. MOTION: MARY BETH TOOLEY/NO SECOND

To eliminate Section 1.8.4.1 100% Dockside Monitoring from the document – move to considered but rejected

MOTION #27 FAILED FROM LACK OF A SECOND.

Ms. Steele reminded the Committee that the Herring PDT already expressed concerns about the feasibility of 100% dockside monitoring, given the nature and extent of the fishery. Ms. Goodale expressed concern about the option proposed in Section 1.8.4.5. She stated that the option implied that NMFS would be administering the portside sampling program, but it is not clear what levels of coverage would be required, and she reiterated NMFS' concerns about funding a new catch monitoring program.

28. MOTION: TERRY STOCKWELL/MIKE ARMSTRONG

To eliminate Section 1.8.4.5 from the document – move it to considered but rejected

Discussion on the Motion: Ms. Goodale expressed concern about this option because it implies that NMFS will be establishing and administering a portside sampling program, and NMFS resources cannot support such a program at this time. Mr. Paquette emphasized the need to consider a full range of options including industry contributions to the monitoring program.

MOTION #28 CARRIED 8-2-1.

Ms. Tooley asked the State representatives whether the proposed provisions for service providers seem reasonable, given the current MA and ME portside sampling programs. No one expressed opposition to the proposed provisions, and a few Committee members confirmed their position on the minimum standard for a high school diploma. Dr. Cieri noted that it may be problematic

to require that all service providers be able to deploy samplers to all ports in which monitoring is necessary.

29. MOTION: MARY BETH TOOLEY/TERRY STOCKWELL

To delete the final bullet on p.47 that states that the service provider must be able to deploy dockside monitors to all ports in which service is required by this section

Discussion on the Motion: Ms. Tooley expressed concern about requiring service providers to deploy observers to all ports in the fishery. She referred to the current State programs in ME and MA and expressed concern that the states could possibly not qualify as service providers if this criterion is established. Mr. Rochford emphasized the importance of understanding how the fishery operates and noted that with days out of the fishery, many samplers will have nothing to do for most days of the week, with landings events occurring in many ports on the same day(s).

MOTION #29 FAILED 4-7.

The Herring Committee discussed the options proposed in the document for specifying which entities could become service providers for portside sampling or observer coverage. Ms. Steele questions whether the options were necessary and suggested that the Committee simply determine whether it wants to restrict participation to a single service provider or allow opportunities for multiple service providers.

30. MOTION: MARY BETH TOOLEY/RODNEY AVILA

To eliminate Section 1.8.5.3 – Single Service Provider – from the document and move it to considered but rejected

Discussion on the Motion: Ms. Tooley felt that it is not appropriate to rely on one service provider, given the nature of the fishery and its geographical extent. Dr. Armstrong felt that the options for specifying service providers complicate the program and increase administrative burdens.

MOTION #30 CARRIED 10-1.

31. MOTION: RODNEY AVILA/MIKE LEARY

To eliminate options for specifying service providers and allow multiple service providers that meet the criteria specified in the amendment

Discussion on the Motion: None.

MOTION #31 CARRIED UNANIMOUSLY.

Funding Issues: Set-Asides

The Herring Committee generally discussed funding issues, including the options for a dockside monitoring program set-aside, described in Section 1.8.6 of the document. Ms. Goodale expressed concerns about how the proposed set-asides are currently structured – like research set-asides, which are awarded through a grants process. She suggested that a monitoring program set-aside could not be structured in the same way and encouraged the Committee to consider ways that this program could work. Ms. Steele also identified concerns associated with set-aside timing, incentives for the industry to utilize a set-aside, and uncertainty associated with

the magnitude of funds a herring set-aside could generate. Ms. McGee felt that the options should remain in the document for further development at this time and suggested that staff investigate the current scallop observer set-aside to determine if some elements of that process could apply to a herring catch monitoring set-aside. Some Committee members also suggested that the current Mid-Atlantic RSA process be investigated for some potential ideas.

The Herring Committee agreed to Ms. Steele's suggestion that Section 1.8.6 be removed from the Portside Sampling Program section of the document and used to form a new section titled, "Options for Sources of Funding" so that the set-aside concept could be considered in the context of the entire catch monitoring program, consistent with the Committee's March 30 motion (Motion #2). Mr. Grout suggested that additional information be included in the document to provide the Committee with some perspective on how much funding could be generated by a set-aside.

Before moving on to the next agenda item, Dr. Armstrong noted for the Herring Committee that the Amendment 5 document currently does not include measures to improve portside sampling, which would be analogous to the measures in the document proposed to improve observer coverage (safe sampling station, reasonable assistance, etc.).

Section 1.9 – Measures to Require Electronic Monitoring (EM)

Ms. Steele briefed the Committee on the proposed options to require electronic monitoring, which are not well developed in the document at this time.

- Ms. McGee expressed interest in hearing more about the current research at the Northeast Fisheries Science Center regarding video-based monitoring in the groundfish fishery.
- Mr. Stockwell expressed opposition to designating EM as the top priority for the research set-aside (RSA) but noted that there is a lot of value associated with EM in the future. He suggested that EM could be incorporated into the amendment as a pilot program, specified in an industry catch monitoring control plan (CMCP).
- Ms. Van Atten briefed the Committee on the NEFSC groundfish EM pilot program. She said that this year, at least 10 groundfish vessels will be equipped with video-based electronic monitoring (VBEM) to see if VBEM can be utilized to supplement data collected to monitor and/or quantify discards in the fishery. Groundfish sector money is funding the program, and research/data collection is expected to occur over the next 2-3 years, during which time the VBEM tool will be evaluated. She noted that the study is investigating the use of VBEM technology for the hook, gillnet, and bottom trawl sectors of the fishery. She does not believe that the video recognition technology is good enough at this time to distinguish species, but it may be useful to improve coverage of an observed trip, especially if there are multiple platforms where discarding can occur. She also noted that this is the first VBEM project of this scale on the east coast that will be administered by the government with government oversight of the data. Costs associated with this and similar projects are much higher in the earlier years because of the need to develop and test the technology and assess the quality of the data.

No specific decisions were made regarding the measures to require EM in Amendment 5 at this time, but the Committee agreed that background information about the groundfish VBEM pilot project and information about VBEM usage in British Columbia (from Alan Lovewell's summer research paper) should be added to the document for additional perspective. The Committee will revisit this issue at a future meeting.

Section 1.10 – Measures to Require Catch Monitoring and Control Plans (CMCPs)

Ms. Steele briefed the Committee on the section of the document pertaining to requirements for CMCPs. Ms. Goodale and Ms. Tooley both expressed concern about the feasibility of these measures for the Atlantic herring fishery. Mr. Stockwell expressed support for the CMCP concept but emphasized the need to fully consider the potential complications. Ms. Tooley agreed that the concept should remain in the document at this time for further consideration and discussion by the Committee.

- Mr. Grout asked for clarification regarding NMFS' concerns about the proposed provisions for CMCPs and the elements that may be required in them. Ms. Goodale stated that the proposed CMCP provisions seem to open-ended at this time and allow for the potential for many different approaches to addressing some issues to be submitted by the industry. She suggested that the CMCPs include options for some elements, without leaving it open-ended– for example, a set of three or so options for the industry to select from in terms of complying with maximized retention (if maximized retention is adopted in the amendment).
- Ms. Steele stated that she had interpreted the CMCP concept to be open-ended in order to allow for each vessel owner (or processor, or dealer) to develop ways to comply with the catch monitoring requirements based on their individual operations/businesses. If the CMCPs were intended to be limited to a selection of a few options, she wondered why the CMCP would be necessary.
- Mr. Libby equated the CMCP concept with a HACCP (hassup) plan. He suggested that the Council should be setting general standards for the industry to meet in the CMCPs, allowing them flexibility to tailor the CMCP to their business operations.
- Mr. Rudolph clarified some issues related to the CMCP options, which were proposed by CHOIR. He emphasized that the first decision to be made is who will be responsible for ensuring the catch is monitored, i.e., who will be identified as the “first receiver.” The first receiver should develop the CMCPs, whether they are dealers or vessels. The first receivers then determine the various ways that fish could move through the operation during the fishing year and provide details of how the operation will comply with the monitoring requirements in the CMCP. The CMCP should provide for flexibility within some constraints, which should be identified by the Council.
- Ms. Steele referred the Herring Committee to the July 31, 2009 Amendment 5 Discussion Document, which provides some details about the CMCPs that are utilized in the processing sector on the west coast. She agreed to provide the CMCP performance standards from the regulations for the next meeting.

Amendment 5 Timeline

Prior to completing its work on the Amendment 5 catch monitoring alternatives, the Herring Committee asked Council staff to provide an update on the Amendment 5 timeline and upcoming milestones. Ms. Steele noted that with the number of issues still to address in Amendment 5 in addition to catch monitoring (river herring bycatch, midwater trawl access to groundfish closed areas, mackerel interactions (already addressed but should be revisited), and the recently-added issue of spawning protection), it is unlikely that the full range of alternatives will be developed for the Council to approve at the June 2010 Council meeting. Instead, the Council should approve the range of alternatives at the September 2010 Council meeting, with approval of the Draft EIS then anticipated for January 2011. Public hearings would be scheduled for early 2011 (March/April), and final decisions on Amendment 5 would be made by the Council at the meeting immediately following the public comment period. Amendment 5 would then be implemented as soon as possible during the 2012 fishing year.

Herring Committee Discussion – Timing Issues for Next Benchmark Stock Assessment

In January 2010, Paul Howard sent a letter to Nancy Thompson asking the NEFSC to consider moving the date of the benchmark stock assessment for herring from SARC 54 (June 2012) to SARC 53 (December 2011), consistent with the Council's request for a benchmark assessment as soon as possible. Dr. Thompson responded with information about the tradeoffs (available data, resources, issues to address, and analyses) that may be associated with moving the benchmark assessment to an earlier date. At its January 2010 meeting, the Council suggested that the Herring Committee discuss the tradeoffs and provide a recommendation for consideration at the April Council meeting.

Dr. Jim Weinberg from the NEFSC briefed the Herring Committee on timing issues associated with the next benchmark stock assessment and the tradeoffs to consider when recommending an assessment date earlier than June 2012 (SARC 54). Dr. Jon Deroba (herring assessment biologist) and Dr. Michael Jech (acoustic surveys) also participated in the discussion. Dr. Weinberg stated that it does not seem appropriate to conduct the assessment earlier than December 2011 or June 2012 because of the loss of data that could be used to perform a more thorough assessment. As an example, he added that even considering a December 2011 assessment could not utilize fishery information from the 2011 fishing year, so earlier dates would result in the loss of even more new data, as well as time to analyze existing data and explore new/different assessment models.

- Dr. Weinberg walked the Committee through Nancy Thompson's response to the Council about the timing of the assessment and each of the technical issues associated with available data, preparation of analyses, and timing. He noted that much of the work for the stock assessment must be completed prior to the actual date of the assessment, and considering some of the issues like ecosystem considerations and stock structure may require a significant amount of work. From the scientific perspective, Dr. Weinberg supported the later date for the stock assessment review (June 2012).
- Ms. Tooley acknowledged the technical aspects associated with the timing of the assessment but reminded the Herring Committee that from the industry's perspective, it is important to conduct this assessment as soon as possible. She asked about which models may be considered in the upcoming assessment, and Dr. Weinberg stated that all available and

appropriate assessment tools will be considered because this is scheduled to be a benchmark assessment.

- Dr. Deroba and Dr. Jech addressed some general questions about information related to spatial structure of the herring complex, survey data, and acoustic surveys.
- Dr. Weinberg suggested that time and resources play significant roles in determining the work that can be completed for the benchmark assessment. He added that addressing the retrospective pattern in the assessment is a high priority issue.
- Mr. Rochford suggested that consideration be given to conducting an egg survey for herring, and Mr. Kaelin added that the Sustainable Fisheries Coalition has expressed interest in working with scientists to develop this kind of survey for both herring and mackerel. Dr. Deroba expressed interest in exploring this issue.
- Mr. Stockwell agreed that the retrospective pattern in the assessment is a significant issue that should be addressed. He felt that the additional six months (between December 2011 and June 2012) could result in improvements in the quality of data and the depth of analysis for the assessment, which could help to resolve the retrospective pattern and improve the assessment. He added that the additional time may also complement the timeline for the new assessment model on which ME DMR and the University of Maine are working.

32. MOTION: TERRY STOCKWELL/JIM FAIR

To recommend that the next herring benchmark assessment be conducted in June 2012 (SARC 54)

Discussion on the Motion: Mr. Crawford expressed support for the motion.

MOTION #32 CARRIED UNANIMOUSLY.

The Herring Committee meeting adjourned at approximately 4:30 p.m. on March 31, 2010.