



#2

New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
C.M. "Rip" Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

DRAFT REPORT

NEFMC Herring Advisory Panel

Holiday Inn By The Bay, Portland, ME

January 16, 2013

The Herring Advisory Panel (AP) met on January 16, 2013 in Portland, Maine to: review the Draft 2013-2015 Atlantic Herring Fishery Specifications and Framework 2 and provide related recommendations.

Meeting Attendance:

Herring Advisory Panel: Jeff Kaelin, Herring AP Chairman, Jennie Bichrest, Peter Baker, Don Swanson, Spencer Fuller, Chris Weiner, Al West (7 of 14 advisors present); Lori Steele, Rachel Neild, Rachel Feeney NEFMC staff; Carrie Nordeen, NMFS NERO staff; Doug Grout, Herring Committee Chairman; Matt Cieri, Herring PDT Member; Zack Klyver, Glenn Robbins, Barry Mathews, Mark Bichrest, Steve Wiener, interested parties.

Webcast: Dave Ellenton (Herring AP Member), Erica Fuller (PEW), Dave Bethoney (SMAST), Patrick Paquette, Kate Taylor (ASMFC), Madeleine Hall-Arber (Herring PDT Member), Meredith Mendelson (*Webcast audio was poor.*)

Due to relatively low attendance (weather, illness), Mr. Kaelin suggested that the meeting be relatively informal, without Advisory Panel voting, and with opportunities for both AP and audience members to provide input/comments. Throughout the discussion, Ms. Steele provided an overview of the Draft Framework 2 and 2013-2015 herring fishery specifications document, describing the measures/options under consideration. The AP discussed the options and developed general recommendations to be considered by the Council during final decision-making on Framework 2 and the specifications (January 2013 Council meeting).

Framework 2 – Options to Authorize Sub-ACL Splitting and Carryovers

Framework 2 includes options that would allow the Council to split sub-ACLs and carryover some un-utilized sub-ACL as part of the fishery specifications process. The framework is a general action to establish the policy to allow these measures to be considered; the specifications package (every three years) will include the specific numbers, splits, and analyses to support the sub-ACLs and any carryovers that may be considered.

AP members discussed concerns regarding sub-ACL splitting, particularly in Area 2, which has been the recent focus for seasonal splitting. A few AP members and audience felt that the sub-ACL splitting may reduce the fishery's flexibility to catch herring when the fish are available in the winter, while others felt that the sub-ACL splitting would be a helpful measure to minimize overages in Area 2 and ensure that fish are available for a longer period of time. **Overall, there was general support expressed by AP members for the sub-ACL splitting option proposed in Framework 2, recognizing that specific splits would require more evaluation/consideration during the specifications process.**

Ms. Steele provide a brief explanation of the carryover options proposed in Framework 2, and the Advisory Panel further discussed details related to carryovers. All AP members support applying a consistent methodology for determining both overages and underages (i.e., in-season or year-end). Individual Advisory Panel members provided the following comments:

- **Jeff Kaelin (speaking on behalf of his constituents)** reiterated that there does not seem to be industry support for a seasonal split in Area 2 during the 2013-2015 specifications (proposed 67% Jan-Feb, 33% Mar-Dec). He felt that if the Area 2 sub-ACL is increased by about 10,000 mt for the upcoming years, there is no need for a seasonal split, and the industry would benefit more from the ability to catch the fish when they are available and when the markets are best, versus potentially stopping the fishery for a period of time during February.
- **Peter Baker** expressed support for Option 1 primarily and Option 3 secondarily for authorizing carryovers during the specifications process. He felt that Option 2 could be problematic because it seemed more complicated and cumbersome procedurally.
- **Chris Weiner** felt that there could be accounting issues with carryover if it is not applied in the next fishing year and expressed concerns with overages and underages if there continues to be a one year lag. Mr. Weiner also expressed concern about Option 2 because it appears to include another layer of bureaucracy.
- **Jennie Bichrest** generally supported Option 1 and Option 3 but was unsure which option may be more preferable, and she also was concerned about Option 2 due to the additional complexity it could present.

Discussion of Research Set-Asides (RSAs)

Mr. Kaelin expressed support on behalf of himself and his constituents regarding RSA for 2013-2015 and referred to correspondence from Peter Moore (AP Vice Chair, Sustainable Fisheries Coalition), SMAST, and MA DMF. The letter will be sent to the Council and will request support for RSA to support portside sampling as part of the ongoing SMAST river herring bycatch avoidance program. It was explained by Ms. Steele that the RSA could be up to 3% in any or all areas and that it would still require an open competitive grants process. The Council, however, can identify research priorities and help steer the direction of cooperative research funding. **Overall, there was general support by the AP members for RSAs up to 3% during 2013-2015 (as well as maintaining the current Fixed Gear Set-Aside).**

Discussion of Options for Sub-ACLs

Ms. Steele presented the six options proposed in the 2013-2015 specifications document and described how catch was allocated amongst the four management areas (Area 1A, Area 1B, Area 2, and Area 3). A brief discussion continued about sub-ACL splitting and the lack of support for an Area 2 split; while some of the Advisory Panel members no longer support the split in Area 2, some audience members felt that the split would be beneficial to the market and the industry. The AP Chairman offered an opportunity for each advisor to express his/her opinion about what the primary objective for allocating catch to the management areas should be and what options may or may not be preferred by individual advisors at this time. Individual members made the following comments:

- **Don Swanson** felt that as a recreational fisherman, his primary concern is for Area 1A. He expressed support for Option 1 (No Action) because more bait and forage would support rebuilding of fisheries in the GOM. However, he notes that he could possibly support Option 2, but Option 1 would be more favorable.
- **Chris Weiner** remains skeptical about the recent herring stock assessment and expressed concerns primarily about Area 1A and 1B. He supports Option 2 most because additional quota is added Area 3, and he also supports Option 4 because he recognizes the need for more fish in Area 2. He felt unsure about Option 5 because he is concerned that an increase in the Area 1B sub-ACL would occur mostly in inshore area (because of the boundary lines), and he would rather encourage expansion of the fishery offshore.
- **Jennie Bichrest** is in support of Option 2 and unsure about the other options.
- **Peter Baker** expressed support for encouraging more offshore fishing, and although he would prefer the no action option, he realizes the low likelihood of that occurring. He stated that he could support Options 2 or 4 and is opposed to Options 3, 5, and 6, primarily because they increase inshore fishing opportunities the most.
- **Spencer Fuller** expressed preference for Option 2 because it appears to be more beneficial to all parties involved and involves an equal distribution of the additional yield to all of the management areas. He noted that Area 1B has been problematic due to the low quota. He expressed opposition to Option 5 because it does not provide enough quota for the offshore herring fishery (Area 3), which has been fully utilized in the last two years.
- **Al West** supported Option 2 and, as a second choice, Option 4. He felt that Option 2 is more beneficial towards the industry and would serve the markets most effectively.
- **Jeff Kaelin spoke on behalf of his constituents (Lund's)**. He expressed support for Option 5 but suggested a possible hybrid option where the additional 5,000 mt in Area 1B in 2013 was split between Area 1A and 1B.

Audience comments about the proposed options included concerns about spawning fish on Georges Bank and concerns about taking much of the Area 3 quota from spawning fish. The group recognized this issue, and Ms. Steele noted that the Council has expressed similar concerns and that this should be a consideration when allocating the ACL.

After a break, the group of AP members present at the meeting developed a hybrid option for sub-ACLs in 2013-2015, proposed by Ms. Bichrest. **Overall, there was general support by the most of the AP Members for the following hybrid sub-ACL option:**

Hybrid Option for Sub-ACLs (General Support)

| | 2010-2012 | 2013-2015 |
|---|-------------------------|-------------------------|
| OFL (mt) | 145,000/134,000/127,000 | 169,000/136,000/114,000 |
| ABC (mt) | 106,000 | 114,000 |
| ACL (mt) | 91,200 | 107,800 |
| Sub-ACL Area 1A | 26,546 (29%) | 31,200 |
| Sub-ACL Area 1B | 4,362 (5%) | 4,600 |
| Sub-ACL Area 2 | 22,146 (24%) | 30,000 |
| Sub-ACL Area 3 | 38,146 (42%) | 42,000 |
| 3% Research Set-Asides (RSAs) Area 1A Fixed Gear Set-Aside – 295 mt | | 107,800 |

It was noted that the above hybrid falls within the range of options under consideration in the Draft 2013-2015 Herring Specifications Document.

Other Specifications (DAH, DAP, BT, USAP)

There was general support by the AP members for the other fishery specifications proposed in the Draft document.

Discussion of Accountability Measures (AMs)

Ms. Steele provided an description of the alternatives under consideration for Accountability Measures. Ms. Nordeen noted that there is a need to improve quota monitoring performance, reporting, and effectiveness within the fishery to minimize overages, and AMs are a crucial tool to accomplish this. Ms. Nordeen acknowledged the pros/cons of “in-season” accounting versus the “year-end” accounting and acknowledged the need to consider tradeoffs.

Mr. Kaelin offered an opportunity for each advisor to express his/her opinion regarding the Accountability Measures and which alternatives may or may not be preferred at this time. Individual members made the following comments:

- **Chris Weiner** expressed support for Alternative 2 with the carryovers allowed and applied in a manner consistent with overages. He is not in favor of Alternative 3 because it may allow for sub-ACL overages to occur if the stock is not overfished.
- **Jennie Bichrest** expressed support for Alternative 2 and felt that more needs to be done to address late reporting within the industry. The Advisory Panel members generally agreed with this sentiment.

- **Peter Baker** felt that Alternative 2, Option A would be the most beneficial with the real-time monitoring; he stated that a 95% AM trigger for the total ACL should be sufficient if each of the management areas include a trigger of 92%.
- **Spencer Fuller** expressed support for Alternative 2, but had concern about the ability to provide accurate real-time data with this method.
- **Al West** expressed support for Alternative 2 and supports real-time accounting with the ability for carryover into the following year.
- **Don Swanson** expressed no comment at this time.
- **Jeff Kaelin spoke on behalf of his constituents (Lund's)**. He supports the concept behind Alternative 3, but suggested this alternative may be more preferable if it applies the “in-season” methodology for accounting rather than the “year-end” methodology.

Further Discussion

There was a general discussion on the draft background section and draft fishery impacts discussion, but the Advisory Panel members expressed interest in taking more time to review these materials. It was noted that these sections would be provided to the Council for final decision-making at the January 29-31, 2013 meeting.

The Advisory Panel meeting adjourned at approximately 1pm.

