



New England Fishery Management Council

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

FINAL REPORT

HERRING ADVISORY PANEL MEETING

Sheraton Harborside, Portsmouth NH

Thursday, May 14, 2009

Meeting Attendance: Dave Ellenton, AP Chair; Peter Moore, Herring AP Vice-Chair; Gib Brogan, Spencer Fuller, Al West, Peter Baker, Jennie Bichrest, Don Swanson, Chris Weiner, Jeff Kaelin, Peter Mullen, NEFMC Herring AP members (11 of 14 advisors present, Dave Turner, Vito Calomo, Jeff Reichle absent); Lori Steele, NEFMC Staff; Lara Slifka (CCCHFA), Steve Weiner (CHOIR), Steve Walima, Madeleine Hall-Arber (MIT Sea Grant), and several other interested parties.

The Herring Advisory Panel met on May 14, 2009 to review/discuss management measures and alternatives under development in Amendment 4 to the Herring Fishery Management Plan (FMP) and develop related AP comments/recommendations for Herring Committee consideration.

The Herring AP meeting began with an overview and discussion of the agenda. Ms. Steele also provided a brief review of the Amendment 4 timeline and an update on plans for the June Committee and Council meetings. Mr. Brogan expressed concern about the proposed annual catch limit/accountability measure (ACL/AM) portion of the amendment and suggested that there should be consideration of including non-target stocks as stocks in the fishery; he questioned whether the ACL/AM component of the amendment would be able to move forward separately with just an Environmental Assessment (versus an Environmental Impact Statement). Mr. Moore suggested that the AP spend some time discussing measures to address bycatch, particularly bycatch allowances/caps, during the meeting, including the issues raised by Mr. Brogan. Mr. Kaelin suggested that the AP discuss the haddock bycatch cap and consider recommending an increase in the cap to be consistent with recent increases in observer coverage. He also felt that catch caps should be linked to overall mortality of the species of concern based on a comparison with mortality caused in other fisheries.

Mr. Brogan identified three general categories of stocks encountered in the fishery: (1) herring, haddock, and mackerel, the catch of which is already managed through specific regulations; (2) river herring, shad, and species with a strong record of bycatch in the fishery; and (3) stocks which represent unknown or insignificant amounts of bycatch in the fishery. He felt that species in the first two categories should be identified as stocks in the herring fishery and should be subject to ACLs and AMs. Ms. Steele provided some rationale as to why Atlantic herring

proposed as the only stock in the fishery for ACL/AM purposes at this time, including some background about the guidance from the Regional Office regarding this issue. She cited the National Standard guidelines which state that identifying stocks in the fishery for ACLs remains at the discretion of the Councils. She also reminded the Advisory Panel that the Council is still obligated by law to minimize bycatch in the fishery to the extent possible and that other measures can be developed to address bycatch without establishing ACLs and AMs for every species encountered in the fishery. Mr. Kaelin suggested that haddock may be an appropriate species for a sub-ACL in the herring fishery. The Advisory Panel briefly discussed current provisions for reporting haddock bycatch, and Ms. Nordeen provided some information about the Regional Office website for monitoring the haddock catch cap. She confirmed that identifying stocks in the fishery is at the discretion of the Council and noted that most FMPs are limiting the stocks in the fishery to those that are managed under the FMPs at this time. She also agreed that the ACL/AM process is not the only way to address/minimize bycatch because catch caps can still be established.

Mr. Moore expressed some concern about the allocation of bycatch to the herring fishery in light of the recent movement towards sector allocations in the groundfish fishery. Mr. Kaelin felt that bycatch allowances should be considered for the species that the fishery interacts with most, but he felt that this approach should be considered across all fisheries and that bycatch in the herring fishery should be assessed in comparison to other fisheries with bycatch of the same species. He identified the whiting and shrimp fisheries as other possible fisheries to consider in the context of river herring and other bycatch. He stated that the Council has the authority to direct NMFS to provide additional observer days in the herring fishery and that the vessels would be happy to accommodate these additional days. He encouraged the Advisory Panel to recommend that the Herring Committee direct the Council to conduct a comparative analysis of bycatch in the herring fishery versus other fisheries and consider the relative impacts on mortality of the species of concern.

Mr. Weiner expressed concern that the data are too limited to conduct an accurate analysis and extrapolate bycatch estimates across the fleet at this time. He said that he would be much more comfortable with the data if there were enough to extrapolate across the fishery and emphasized the need for more observer coverage. Mr. Moore cited Alternative 2 in the Amendment 4 Discussion Document, which requires observer coverage in the fishery to be at a level that is consistent with the requirements of the Standardized Bycatch Reporting Methodology (SBRM). He wondered why Alternative 3 appears to be more onerous and includes many more requirements if the SBRM coverage levels would provide enough information to extrapolate bycatch estimates across the fishery. Mr. Brogan felt that coverage levels consistent with the SBRM are not adequate for quota/ACL monitoring and suggested that supplemental coverage would be required. He stated that a 30% CV may reflect precision but will not lead to accurate estimates of catch, which, in turn, could increase scientific uncertainty and result in a lower available yield for the fishery (when scientific uncertainty is considered for setting ABC). He emphasized the need for additional observer coverage to account for bycatch and ensure the effectiveness of ACLs and ACL monitoring.

Mr. Moore asked a question about the proposal to incorporate study fleet technology in Alternative 2. Ms. Steele informed the Advisory Panel that the Herring Committee will be receiving a presentation about the study fleet project and discussing the potential for incorporating the technology into Amendment 4 at its meeting on June 4, 2009. She also provided a brief summary of the May 8 Enforcement Committee meeting and the Enforcement Committee's recommendations regarding the development of catch monitoring alternatives for Amendment 4.

The AP discussed some of the issues related to the catch monitoring alternatives in Amendment 4, referencing a memo from Committee Chairman Frank Blount with questions for consideration/discussion (see attached memo).

Maximized Retention Provisions

Mr. Mullen and Mr. Ellenton highlighted some of the concerns expressed by the Enforcement Committee regarding safety at sea if captains are required to bring all fish on board the vessel. Mr. Mullen expressed significant concern about maximized retention provisions with respect to vessel safety and the need for the captain to make the best decisions for his boat and his crew. He also noted that vessels take "test tows" when fishing sometimes, which are short in duration, to determine the composition and/or quality of fish they may be catching. He emphasized the importance of the test tows to reduce bycatch and did not understand why those fish should be brought on board and killed when they should be released as quickly as possible to minimize mortality. Ms. Bichrest agreed.

Mr. Weiner agreed that safety is an extremely important consideration when crafting provisions for maximized retention in the fishery. He suggested that some solutions be considered to address the most important problems, for example, terminating a trip if the boat is filled and/or it is too dangerous to bring additional fish on board. Mr. Mullen expressed opposition to requirements for captains to bring fish to shore that they cannot sell. He noted that groundfish vessels are discarding unmarketable groundfish (cod, monkfish) when fishing for haddock offshore. He wondered what is expected from the vessels/dealers once unmarketable fish are landed and thought that a discard allowance may be a more appropriate approach. The advisors also talked about current reporting, and Mr. Kaelin highlighted the importance of ensuring that captains are currently reporting all catch, including discards. Mr. Brogan expressed support for moving away from self-reporting in this amendment.

The advisors briefly discussed the Enforcement Committee's recommendation to require a signed affidavit any time a slippage event occurs, providing details about the event and the amount/composition of the fish that may be released. Mr. Brogan reminded the AP that vessel trip reports are essentially affidavits, and falsifying them is subject to penalty under law. The proposed affidavit for the slippage event would include more detail about the event than currently is required on logbooks. Ms. Slifka asked how the captains would be able to identify the fish that may be slipped if the net is underwater. She recognized that there may be cases where full retention is not possible (safety, dogfish, for example), but she urged the AP to consider ways to better identify the fish that may be in the net and provide more accurate information about slippage events. Steve Weiner asked a series of questions to the advisors

regarding fishing operations and stated that while there may be challenges with maximized retention, practical solutions should be developed.

The Advisory Panel discussed the questions in the memo (attached) related to video-based electronic monitoring (VBEM) and its potential applicability in the fishery as a tool to monitor slippage events and ensure maximized retention. Mr. Moore noted that the Enforcement Committee recognized that VBEM systems are not tamper-proof and suggested that VBEM be explored more as a management tool than an enforcement tool. Mr. Baker suggested that a pilot program to explore VBEM applicability in the fishery would be a good approach since the industry seems to be more supportive of this technology now than in the past. Ms. Slifka noted that VBEM technology is used on the west coast to ensure compliance with maximized retention provisions, and Mr. Kaelin suggested that the composition of the fleet and the operation of the fishery on the west coast should be considered relative to the Atlantic herring fishery (similarities and differences in vessel size, etc.).

Following the general discussion, Mr. Ellenton asked the advisors for any motions relative to the bulleted questions for maximized retention and net slippage in the attached memo.

1A. MAIN MOTION: Jeff Kaelin/Spencer Fuller

That the Herring Committee move to the considered but rejected portion of the discussion document all maximized retention options consistent with the recommendations of the Enforcement Committee concerning vessel safety

Discussion on the Motion: Mr. Brogan felt that this motion is too premature and that the Committee/Council needs to consider more information (for example, how the maximized retention provisions are applied in other fisheries) before eliminating these options from further consideration in Amendment 4.

1B. MOTION TO SUBSTITUTE: Peter Baker/Gib Brogan

That the Herring Committee further develop options for maximized retention that take into consideration the safety concerns of the Enforcement Committee

Discussion on the Motion: Mr. Baker emphasized the need to fully consider a full range of alternatives and suggested that options be developed to address the concerns of the Enforcement Committee, including vessel safety.

The Motion to Substitute Failed 4 Yes, 6 No.

MAIN MOTION 1A:

That the Herring Committee move to the considered but rejected portion of the discussion document all maximized retention options consistent with the recommendations of the Enforcement Committee concerning vessel safety

Further Discussion: Ms. Slifka expressed opposition to the motion and suggested that if maximized retention provisions can work in other fisheries, they may be able to work for the herring fishery. Ms. Steele asked what other fisheries in the country manage through maximized retention. The Pacific shoreside whiting fishery and the Alaskan pollock fishery were identified. Ms. Steele noted that further analyses of these measures would include an evaluation of max

retention provisions in other fisheries in the country and a comparison of those fisheries to the herring fishery.

1C. MOTION TO TABLE: Peter Baker/Gib Brogan

The Motion to Table Failed 4 Yes, 6 No.

MAIN MOTION 1A:

That the Herring Committee move to the considered but rejected portion of the discussion document all maximized retention options consistent with the recommendations of the Enforcement Committee concerning vessel safety

The Main Motion 1A Carried 6 Yes, 4 No.

2A. MAIN MOTION: Spencer Fuller/Al West

That the issue of full retention in the New England fisheries be considered first in the Multispecies Committee before given further consideration by the Herring Committee

Discussion on the Motion: Several people questioned the intent of the motion, and Mr. Brogan suggested that it may be more appropriate to remand this issue to the Council's Interspecies Committee. Mr. Baker noted that the Groundfish Committee is in the late stages of developing Amendment 16 and that the Groundfish FMP utilizes observer coverage to extrapolate an assumed discard rate, which is applied across the fishery. He suggested that this strategy may be appropriate to consider for the herring fishery as well. Ms. Steele clarified that the intent of the motion is essentially to recommend that the Groundfish Committee develop maximized retention provisions for the groundfish fishery first, and that these provisions could then form the basis of further discussion of maximized retention for the herring fishery. Mr. Kaelin agreed and suggested that maximized retention should be considered first in the fishery with the greatest amount of bycatch mortality for the groundfish species of concern. Mr. Fuller was unclear how the Herring Committee could mandate the retention of groundfish species and require that unmarketable groundfish species be handled by herring vessels and dealers; he felt that this issue first needed to be addressed in the Groundfish FMP. There continued to be some confusion regarding the intent of this motion. Mr. Baker expressed opposition to the motion.

2B. MOTION TO SUBSTITUTE: Peter Baker/Gib Brogan

Recommend that the Herring Committee continue to develop a full range of options to assess bycatch in the fishery

The Motion to Substitute Failed 4 Yes, 6 No.

MAIN MOTION 2A:

That the issue of full retention in the New England fisheries be considered first in the Multispecies Committee before given further consideration by the Herring Committee

Further Discussion: Mr. Baker asked how the bycatch of other species like river herring would be addressed if the Council agreed to support this recommendation and take the approach proposed in the motion.

2C. MOTION TO TABLE: Peter Baker/Chris Weiner

The Motion to Table Failed 4 Yes, 6 No.

MAIN MOTION 2A:

That the issue of full retention in the New England fisheries be considered first in the Multispecies Committee before given further consideration by the Herring Committee

The Main Motion 2A Carried 6 Yes, 4 No.

3A. MAIN MOTION: Jeff Kaelin/Peter Moore

That the Herring Committee recommend to the Council that the haddock catch cap be restored to 1% of the overall haddock TAC since observer coverage in the herring fishery has increased after the implementation of Framework 43

Discussion on the Motion: Mr. Kaelin expressed concern that the current haddock catch cap is discouraging vessels from fishing in Area 3. He stated that part of the reason that the current cap has not been reached (or even close) is because vessels are not fishing at all in Area 3 because of the abundance of haddock. He also reminded the Advisory Panel that the cap was originally proposed to be 1% of the haddock target TAC but was reduced to 0.2% to reflect the expected observer coverage levels of 20% in the fishery. He felt that establishing a 1% cap is a more appropriate way to move forward with the fishery given the likely increase in observer coverage and monitoring in general. He stated that the intent of the motion is to encourage vessels to utilize the Area 3 TAC. Mr. Brogan suggested that it may be more appropriate to recommend that the allocation of haddock to the fishery be tied to the expected levels of observer coverage on an annual basis, but that may not necessarily equate to 1% of the haddock TAC. He also suggested that establishing separate caps for Gulf of Maine and Georges Bank haddock may provide more opportunities for the fleet because reaching the cap would not close the fishery in all areas.

3B. MOTION TO AMEND: Gib Brogan/Peter Baker

That the Framework 43 catch cap be updated to reflect an adjustment to the cap based on annual observer coverage levels and that the catch cap be separated by haddock stock area

Further Discussion: Mr. Brogan stated that the intent of the motion would be to tie the catch cap to the expected levels of observer coverage calculated annually through the SBRM. Mr. Kaelin felt that the cap should be linked more directly to the biology of the stock. Mr. Brogan stated that the haddock TAC is set based on the biology of the haddock stock, so this approach provides a link to both biology and observer coverage.

The Motion to Amend failed 3 Yes, 5 No.

MAIN MOTION 3A WAS PERFECTED:

That the Herring Committee recommend to the Council that the haddock catch cap be restored to 1% of the overall haddock TAC since observer coverage in the herring fishery has increased after the implementation of Framework 43 and the fleet is unable to utilize the Area 3 quota

3C. MOTION TO SUBSTITUTE: Peter Baker/Gib Brogan

That the Herring Committee recommend to the Council that the Groundfish Committee revisit and update the haddock bycatch cap in its next action

The Motion to Substitute Carried 5 Yes, 4 No, 2 Abstain with the Chairman voting Yes to break the tie.

MAIN MOTION AS SUBSTITUTED:

That the Herring Committee recommend to the Council that the Groundfish Committee revisit and update the haddock bycatch cap in its next action

The Main Motion, as substituted, Failed 4 Yes, 6 No.

4A. MAIN MOTION: Peter Moore/Peter Baker

That the Herring Committee task the PDT to analyze observer data from the herring fishery to establish bycatch allowances in the herring fishery for the appropriate species under the Council's jurisdiction

Discussion on the Motion: The advisors discussed the species to which this motion may apply. Mr. Moore clarified that the intent of the motion is to analyze existing observer data to determine the appropriate species. Mr. Weiner felt that the amendment should focus on collecting more data before time and resources are spent developing these kinds of measures. Mr. Brogan supported this approach and stated that a comprehensive catch analysis is necessary and should form the basis for establishing ACLs in the fishery. He suggested that the scope of the analysis should be expanded to include all species, not just those under the Council's management authority. Mr. Kaelin felt that the analysis should include a comparative analysis of bycatch mortality across all fisheries. Mr. Moore clarified again that the intent would be to analyze the existing data to determine if the data are sufficient to establish catch caps at this time. Ms. Steele expressed concern about this recommendation because it is not directly related to the top priorities identified by the Council for this amendment, but Mr. Brogan felt that it is directly related to the establishment of ACLs and AMs.

4B. MOTION TO AMEND: Gib Brogan/Peter Baker

That the scope of the catch analysis be expanded to include the stocks that are managed by the MA Council, ASMFC, and NMFS

The Motion to Amend failed 4 Yes, 6 No.

MAIN MOTION 4A:

That the Herring Committee task the PDT to analyze observer data from the herring fishery to establish bycatch allowances in the herring fishery for the appropriate species under the Council's jurisdiction

The Main Motion Carried 8 Yes, 1 No.

Mr. Kaelin expressed concern that the AP did not approve a motion related to the haddock catch cap and suggested that the Advisory Panel reconsider a previous motion that failed.

5A. MOTION TO RECONSIDER: Jeff Kaelin/Al West

To reconsider the motion that the Herring Committee recommend to the Council that the Groundfish Committee revisit and update the haddock bycatch cap in its next action

The Motion to Reconsider Carried 8 Yes, 0 No, 2 Abstentions.

RECONSIDERED MOTION:

That the Herring Committee recommend to the Council that the Groundfish Committee revisit and update the haddock bycatch cap in its next action

The Reconsidered Motion Carried 8 Yes, 0 No, 2 Abstentions.

6A. MAIN MOTION: Gib Brogan/Peter Baker

To Task the PDT to develop an observer allocation program to collect information to monitor hard TACs with appropriate levels of accuracy and precision

Discussion on the Motion: Mr. Brogan emphasized the importance of accuracy when estimating catch in the fishery and noted that the SBRM approach focuses on precision. He felt that the more scientific uncertainty can be reduced, the more yield can be made available to the fishery. Mr. Kaelin suggested that the Interspecies Committee should consider this with respect to all fisheries, and Mr. Brogan agreed.

MAIN MOTION 6A PERFECTED:

The AP recommends that the Interspecies Committee task its technical staff to develop an observer allocation program to support Hard TAC-managed fisheries with appropriate levels of accuracy and precision

The Perfected Motion Carried 9 Yes, 0 No, 1 Abstention.

The Advisory Panel briefly discussed dockside monitoring/sampling and the related questions raised in the memo from the Herring Committee Chairman (attached). Mr. Mullen explained some techniques used in Scotland and Norway to estimate tanks in order to measure the amount of fish in the hold. He said that the techniques provide estimates that are accurate to about 95% or more. He noted that this technique does not work as well for trucks because the amount of water in the trucks can be significant and quite variable. Mr. West agreed and noted that he uses 3 tons

of ice in each truck when transporting fish in the summer and none in the winter. In the winter, the trucks can hold 5,000 pounds or more fish than in the summer. He also expressed concern about timing issues related to dockside monitoring. With a highly perishable food-grade product like herring, it is critical to minimize transport time and ensure that trucks will not be held up for a sampler. He also felt unsure about what benefit a sticking approach may have in the fishery because the captains seem to provide the best and most accurate estimate of how much fish is in the hold. He also noted that in the summer, there could be offload events occurring at 15 different ports on the same day and felt that 100% sampling would be very difficult to achieve in this fishery.

Bill Hoffman from MA DMF explained the sampling techniques used in the current portside sampling program to estimate total catch. The sampler interviews the captain, sub-samples the catch and extrapolate, and then cross-checks with dealer and VTR reports. He noted that MA DMF has not seen any significant discrepancies in the reported catch versus the sampled/extrapolated catch during their ongoing investigations as part of the portside sampling program.

The Advisory Panel generally agreed that sticking fish holds and trucks may be a feasible approach to verifying total catch estimates, but generating estimates for trucks will be more challenging and less reliable.

Mr. Kaelin expressed support for dockside monitoring in the fishery but noted concerns about the potential for interrupting product flow. He also stated that the industry is lobbying for additional funding for dockside monitoring to continue. Ms. Steele asked whether the industry would continue to support dockside monitoring if it had to bear the costs of the program, and Mr. Kaelin and Mr. Ellenton both expressed opposition to requirements for the industry to fund such a program.

7A. MAIN MOTION: Peter Baker/Peter Moore

To encourage the Herring Committee to analyze the costs of the monitoring programs as soon as possible

Discussion on the Motion: Ms. Steele noted that the Herring PDT is working on developing a cost analysis of the measures/alternatives under consideration as part of the Draft EIS for the amendment. Several people suggested that the monitoring program should be funded by the Federal government. Several industry members again expressed opposition to industry-funded monitoring programs.

MAIN MOTION 7A PERFECTED:

To encourage the Herring Committee/PDT to analyze the costs of the monitoring programs as soon as possible so that these costs can be estimated for Congress and NMFS to consider

The Perfected Motion Carried 9 Yes, 0 No, 1 Abstention.

The Advisory Panel briefly discussed the concept of Catch Monitoring Control Plans (CMCPs) as proposed in Alternative 3. The advisors agreed that this issue requires more thought and discussion before any specific recommendations can be made.

Area 2 and Interactions with the Mackerel Fishery

The Advisory Panel discussed the Area 2 fishery for herring and this year's closure relative to problems associated with potential bycatch of herring in the winter mackerel fishery. Mr. Kaelin expressed interest in considering a higher quota in Area 2 and suggested that the Committee/Council evaluate the possibility of transferring some of the Area 3 fish to Area 2. Ms. Steele stated that those considerations could be made during the specifications process and suggested that the AP consider whether measures should be developed in Amendment 4 to address the potential problem in another manner (a TAC set-aside for the winter mackerel fishery, for example).

8A. MAIN MOTION: Jeff Kaelin/Al West

Recommend to the Herring Committee that Mackerel Alternative 3, 4.1.3 be the preferred alternative in Amendment 4

Discussion on the Motion: Ms. Steele suggested that it may be a bit premature to be recommending preferred alternatives for Amendment 4 at this time.

The Motion Carried 5 Yes, 0 No, 4 Abstentions.

9A. MAIN MOTION: Jeff Kaelin/Al West

Recommend that during the specifications process, the Herring Committee analyze the potential impacts of reallocating some amount of the Area 3 TAC to Area 2 to accommodate the winter herring and mackerel fisheries

Discussion on the Motion: Mr. Kaelin stated that the intent of the motion is to analyze the impacts of reallocating some of the Area 3 quota to Area 2. Ms. Steele emphasized the importance of stock mixing and noted that all of the Area 3 fish are assumed to come from the offshore component of the resource, but some of the Area 2 fish are assumed to come from the inshore component. Mr. Swanson expressed opposition to this motion because of concerns about river herring bycatch in the Area 2 fishery and said he could not support any measures that would increase fishing effort in Area 2. He suggested that concerns about river herring bycatch be considered relative to increasing the Area 2 quota during the specifications process.

The Motion Carried 7 Yes, 1 No, 2 Abstentions.

Other Issues

- Captain Buddy Vanderhoop read a statement into the record expressing concern about the decline of river herring runs and overfishing of important forage fish like herring.
- Mr. Baker questioned why a bullet proposing to strive to have two observers on pair trawl operations is stricken from Alternative 2. Ms. Steele clarified that it is still in the document but proposed to be stricken from the alternative because the stakeholders who crafted that alternative have requested it to be stricken. She noted that the Committee will review the

alternative and may or may not support the proposal to strike that measure. Ms. Van Atten clarified that in discussions with the stakeholders, the Fisheries Sampling Branch (observer program) recommended that the decision to deploy two observers on pair trawl vessels be left to the observer program. She stated that they would strive to put two observers on pair trawl vessels but that it should be a programmatic decision to maximize efficiency with the limited observer days that are allocated to the fishery.

10A. MAIN MOTION: Peter Baker/Chris Weiner

Encourage the Committee to un-strike the proposed stricken bullet on p. 69 of the Amendment 4 Discussion Document in Alternative 2

Discussion on the Motion: Mr. Baker stated that a measure to strive to put two observers on pair trawl vessels does not mean that it would be required in every case, but striving to do so emphasizes the need to sample in a comprehensive and complete manner. Mr. Moore stated that the stakeholders who crafted that alternative recognize the importance of deferring those kinds of decisions to the observer program to ensure that resources are utilized in the most effective manner possible.

The Motion Failed 4 Yes, 5 No, 2 Abstentions with the Chairman voting No to break the tie.

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

MEMORANDUM

DATE: May 13, 2009
TO: Herring Advisory Panel Members
FROM: Frank Blount, Herring Committee Chairman
SUBJECT: **May 14, 2009 Herring Advisory Panel Meeting**

It will be important for the Herring Advisory Panel to provide constructive feedback to the Herring Committee regarding the development of the catch monitoring alternatives in Amendment 4 to the Herring Fishery Management Plan (FMP). While it may be unlikely that the Advisory Panel will reach consensus on several issues, brainstorming and having an open dialogue about some of the problems and potential solutions will be extremely helpful to the Committee during its deliberations at the June 4/5, 2009 meeting. Some of the issues that the Advisory Panel should discuss are identified below, along with some general questions to help guide the discussion.

Maximized Retention Provisions and Net Slippage

- Could *maximized retention* be feasible for the herring fishery? What logistical/operational problems may be encountered with maximized retention provisions (at sea as well as dockside)? How could the potential challenges be addressed?
- What kinds of exceptions to maximized retention should be considered?
- Is it feasible to pump all fish on board or across the deck to allow the observer to sample the entire contents of the bag?
- How can net slippage be minimized/avoided? What kinds of measures to address slippage should the Council consider in this amendment?
- Is video-based electronic monitoring a practical alternative to monitor slippage of codends and ensure maximized retention? Does the AP support further consideration of video-based systems as an approach for monitoring this fishery?

Certified Volumetric Proxies for Estimating Catch

- Are the provisions for østickingø fish holds and trucks feasible? If not, what is a more feasible approach?

- Will certifying volumetric proxies lead to better catch estimates than current approaches? Why or why not?

Dockside Sampling/Monitoring

- Does the industry support a comprehensive dockside sampling program to estimate (landed) bycatch? Why or why not?
- Is it feasible for offloads to be observed in all ports? How can offloads be monitored in remote/island communities?

Catch Monitoring and Control Plans (CMCPs, Alternative 3)

- Are the requirements for CMCPs proposed in Alternative 3 clear? If not, what additional information should be provided in this section of the document?
- Is it feasible for the industry to be responsible for developing and submitting CMCPs? Why or why not?
- Vessels that participate in the herring fishery move from port to port throughout the year, and fishing operations tend to change for some vessels depending on the season and the mix of target species. How would this complicate the development of CMCPs?

Costs and Economic Impacts

- What are the potential costs associated with some of the proposed measures in the catch monitoring alternatives?
- Which measures appear to be most economically feasible from the industry's perspective?
- If industry-funded programs are developed and required in this amendment (observer coverage and/or dockside sampling), how should they be constructed?