



## New England Fishery Management Council

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### **DRAFT REPORT**

## **NEFMC Herring Advisory Panel**

Holiday Inn, Peabody, MA

November 6, 2012

### ***Meeting Attendance:***

Herring Advisory Panel: Jeff Kaelin, Herring AP Chairman, Jennie Bichrest, Peter Baker, Peter Mullen, Vito Calomo, Don Swanson, Bob Westcott, Spencer Fuller, Chris Weiner, Dave Ellenton (10 of 14 advisors present); Lori Steele and Rachel Neild, NEFMC staff; Carrie Nordeen, NMFS NERO staff, several other interested parties.

The Herring Advisory Panel (AP) met on November 6, 2012 in Peabody, Massachusetts to: review the 2013-2015 Atlantic Herring Specifications with information provided by the Herring Plan Development Team (PDT), SAW/SARC 54, and the Scientific and Statistical Committee (SSC).

### ***Council Staff Presentation and General Q&A/Discussion***

Ms. Steele presented an overview of the 2013-2015 Herring Specifications. The advisors asked several questions for clarification. It was noted later during the discussion that the previous "TAC Reserve" (or any provision for setting aside some of the sub-ACL) was eliminated in Amendment 4. Mr. Calomo suggested that the Advisory Panel recommend that the Committee/Council consider adding provisions to allow for catch underages to be rolled over into the next fishing year.

The AP discussed several issues/problems associated with the pace of the fishery and the allocation of catch to the management areas. Provisions to allow for seasonal splitting of the quota and/or seasonal set-asides were noted several times as important for flexibility when setting specifications. The AP discussed the potential need to split the quota in Area 2 in particular, to accommodate the winter mackerel fishery. Mr. Kaelin said that the ASMFC discussed the possibility of implementing days out of the fishery in Area 2 but did not favor this approach due to safety concerns (variable/extreme weather conditions in the winter fishery). Council staff noted that current provisions for fishery specifications do not allow for seasonal splits, other than the Area 1A split that was implemented through a framework adjustment to the FMP. Staff clarified that establishing a mechanism to allow flexibility through seasonal allocations or splits of other sub-ACLs during the specifications process would require a framework adjustment to the Herring FMP.

### ***Discussion of Options for Allocating the Stockwide Annual Catch Limit (ACL) into Management Areas (sub-ACLs)***

The Advisory Panel discussed the draft options provided in the discussion document for allocating the ACL to four management areas (Area 1A, Area 1B, Area 2, and Area 3). 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 minimizing the risk of overfishing is very important to the inshore stock component. Thus, he supports options 1 through 4 and not in favor of option 6 and option 7 because the stocks in Area 1A should be rebuilt and treated as a forage fish.
- **Chris Weiner** felt that there is a decrease of herring in Area 1A but that there may be more herring offshore. He is not in favor of a significant increase in Area 1A and feels that Area 1B should not be a way to allow for more fishing in 1A. He is in favor of Options 1-5 but not in favor of Options 6 and 7.
- **Dave Ellenton** felt that the primary objective should be to maximize fishing opportunities for the industry within the constraints of optimal yield (OY). He stated that the Herring FMP objective to provide for long term, efficient, full utilization of OY should be the primary objective. He did not express support for any specific sub-ACL option.
- **Peter Mullen** felt that Options 6 and 7 are the least beneficial and that the focus should be on Options 1-5. He also feels that a discussion about Area 1B is needed.
- **Jennie Bichrest** felt that both objectives (maximizing yield and minimizing risk of overfishing stock components) are important and stated that spawning data is lacking, and she would like to see a return of the spawning tolerance.
- **Peter Baker** felt that minimizing risk of overfishing the stock components (inshore) is important and is in support of Options 1-4 because they meet the objectives of the Herring FMP the best.
- **Spencer Fuller** felt that maximizing the fishing opportunities is the most beneficial objective to provide for the long-term, efficient, and full utilization of the herring resource.
- **Bob Westcott** felt that the objective to provide long term efficient and full utilization of OY while minimizing waste is the most beneficial. He is in favor of option 7 for sub-ACLs because it is more economical to for the industry and provides opportunities for steady supply to markets. He also stated that this option could save on fuel and give a critical amount of fish back to Area 2 for the mackerel fishery.
- **Vito Calomo** felt that maximizing the fishing opportunities for the industry within the constraints of OY is the preferred objective for the sub-ACLs. He is in favor of Option 7. He also suggested that 2,000 tons in Area 1B could be diverted into Area 3 to alleviate pressure and discard issues within the mackerel fishery offshore.

**1. MOTION: PETER MULLEN/CHRIS WEINER**

To support a hybrid of sub-ACL Option 4 – 30,000 Area 1A, 5,800 Area 1B, 32,000 Area 2, and 40,000 Area 3

**Discussion:** Mr. Fuller felt that adding some additional yield to Area 3 may help to slow the fishery in Area 1A. There was some brief discussion about the need for quota/fishing in Area 1B, but the AP agreed to revisit this issue later in the discussion.

**MOTION #1 CARRIED 8-0-1.**

**2. MOTION: SPENCER FULLER/VITO CALOMO**

Recommend that the Committee consider splitting the sub-ACLs differently among years to address the problems associated with late implementation of the 2013 specifications and the potential loss of yield in Area 2 (different sub-ACLs in 2013 versus 2014/2015)

**Discussion:** There was brief discussion regarding how to re-allocate the additional yield from Area 2 to other areas in 2013, but no specific recommendation was adopted by the AP.

**MOTION #2 CARRIED 7-0-2.**

**3. MOTION: DAVE ELLENTON/PETER BAKER**

Recommend that the Committee consider splitting the Area 2 sub-ACL seasonally, with 2/3 available during January-February, and the remaining 1/3 available for the remainder of the year

**Discussion:** The AP agreed that the intent of the motion is that the current 95% AM directed fishery closure would apply to both seasonal splits.

**MOTION #3 CARRIED UNANIMOUSLY.**

**4. MOTION: DAVE ELLENTON/VITO CALOMO**

Recommend that the Area 1B fishery not begin until June 1, and that the Committee task the PDT to evaluate the benefits of this provision to the river herring resource

**Discussion:** Bob Westcott suggested that the industry consider taking this action voluntarily during the 2013 fishing year, and the AP generally supported this suggestion. All advisors expressed support for allowing flexibility for seasonal splits of all sub-ACLs through the specifications process.

**MOTION #4 CARRIED 8-0-1.**

**5. MOTION: VITO CALOMO/JENNIE BICHREST**

Recommend that sub-ACL Options 5 and 6 be eliminated from further consideration

**Discussion:** No further discussion.

**MOTION #5 CARRIED UNANIMOUSLY.**

**6. MOTION: SPENCER FULLER/BOB WESTCOTT**

Recommend that the Council initiate a framework adjustment to establish the mechanism to allow for seasonal splits of the herring sub-ACLs

**Discussion:** No further discussion.

**MOTION #6 CARRIED 7-0-2.**

*Alternatives for Accountability Measures (AMs)*

The Advisory Panel discussed the suggestions provided in the Draft 2013-2015 Herring Specifications and which AMs should be further analyzed in the specifications package.

Carrie Nordeen summarized issues associated with the current sub-ACL monitoring process and explained how catches are projected and closures are published in the *Federal Register*. The Regional Office maintains a running projection of catch based on historical catch rates and projects a closure date to file in the Federal Register. If catch rates are significantly higher or lower than historical rates used in the projections, then catch will be different than what was projected for closure. The Regional Office suggests structuring AMs such that pulses of fishing effort that occur as the quota is close to being reached can either be slowed down or more effectively predicted.

Herring AP members who participate in the herring fishery urged the Regional Office to develop a more timely process for closing the fishery and notifying the industry. Suggestions were made to post catch updates more frequently (currently weekly), perhaps daily once catch begins to approach a sub-ACL, and Ms. Nordeen agreed to follow-up with the Agency regarding this matter.

**7. MOTION: PETER BAKER/CHRIS WEINER**

To recommend that all AM alternatives except Alt 5C move forward for further analysis in the 2013-2015 specifications package (intent to eliminate 5C)

**Discussion:** The AP agreed to address the main motion (above) for a range of AM alternatives first, and then discuss each alternative individually to provide more detailed advice to the Committee.

**MOTION #7 CARRIED 7-1-1.**

- The Herring AP expressed concern about developing options under **Alternative 2B** that would apply different thresholds for closing the directed fishery to different management areas and felt that this approach is overly-complicated and could become problematic as a result.
- The Herring AP expressed concern about allowing “days out” or herring possession limits as potential measures that the Regional Administrator could implement during the fishing year if an in-season review is triggered under **Alternative 4**.

*Other Fishery Specifications (USAP, BT, RSAs, FGSA)*

**8. MOTION: PETER BAKER/JENNIE BICHREST**

To support Status Quo (2012 Specifications) for USAP (0 mt), BT (4,000 mt), RSAs (0%), and FGSA (295 mt)

**Discussion:** No further discussion.

**MOTION #8 CARRIED UNANIMOUSLY.**

*Other Business*

The Advisory Panel briefly discussed issues associated with the Canadian (New Brunswick, NB) weir fishery and assumptions about management uncertainty. Some advisors expressed concern about recent low catch levels in the fishery. Mr. Baker expressed particular concern about the Council's specification of management uncertainty and the potential for NB weir catch to exceed that level in the next three years. Ms. Steele confirmed that this specification will be revisited in 2015, the Council always maintains the ability to adjust specifications in the interim years, and that NMFS maintains authority for in-season adjustments.

Mr. Kaelin raised the question of whether a joint management plan for herring and mackerel should be considered by the New England and Mid-Atlantic Councils. Some advisors agreed that there may be some benefit to this approach, considering the overlapping nature of the fisheries (vessels, catch monitoring issues, bycatch issues, etc.). Some advisors expressed support for removing mackerel from the MA Council's Squid/Mackerel/Butterfish FMP.

**9. MOTION: PETER BAKER/NO SECOND**

The AP recommends consideration of a Joint New England/Mid-Atlantic Herring/Mackerel FMP

**MOTION #9 WAS WITHDRAWN.**

The motion was withdrawn, but the Herring AP felt that there should be additional discussion of a future joint management plan for herring and mackerel. Some advisors expressed support for removing mackerel from the current Squid/Mackerel/Butterfish FMP managed by the Mid-Atlantic Council.

**10. MOTION: SPENCER FULLER/DAVE ELLENTON**

Recommend that the Committee/Council consider allowing for underage "rollover" provisions, in a manner consistent with the AM for overage paybacks

**Discussion:** This issue was raised earlier in the day during the Council staff presentation and was revisited by the AP under Other Business.

**MOTION TO TABLE THE PREVIOUS MOTION – PETER BAKER**

MOTION TO TABLE FAILED 2-6-1.

**MOTION #10 CARRIED 6-2-1.**

The Herring AP meeting adjourned at approximately 4:15 p.m..