



New England Fishery Management Council

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E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

MEMORANDUM

DATE: November 15, 2013
TO: Council Members
FROM: Tom Nies, Executive Director
SUBJECT: **Background Information for November 20, 2013 Council Discussion re Herring/Haddock**

At the November 20, 2013 meeting, the Council will re-consider the following motion, postponed from the September 2013 Council meeting:

to request an Emergency Action to prohibit the use of midwater trawl gear in New England federal waters by vessels with a herring A or B permit unless and until that component of the fishery is covered with 100% at-sea monitoring and comprehensive dumping regulations, similar to existing Closed Area I dumping regulations, are implemented fishery-wide

A summary of NMFS' Guidelines for Emergency Rulemaking is provided in the November 20 Council meeting binder. Additional background information to support the Council's discussion is provided in this memo.

Managing Haddock Catch in the Atlantic Herring Fishery

Haddock catch by herring midwater trawl vessels is managed through a catch cap established in Framework 43 and more recently modified in Framework 46 to the Multispecies (Groundfish) Fishery Management Plan (FMP). Under Framework 46, the midwater trawl fleet (single and paired) is subject to a stock-specific cap on haddock catch that is equal to 1% of the Georges Bank (GB) haddock acceptable biological catch (ABC) and 1% of the Gulf of Maine (GOM) haddock ABC. The GB haddock catch cap for the 2013 groundfish fishing year (May 1, 2013 – April 30, 2014) is 273 mt (601,862 pounds), and the GOM haddock catch cap is 3 mt (6,613 pounds). Haddock catch estimates are calculated by expanding sea sampling observations from the Northeast Fisheries Observer Program (NEFOP) to the entire fleet by haddock stock area. The catch cap provisions state that when the Regional Administrator determines that the haddock catch cap has been caught; all herring midwater trawl vessels fishing in the corresponding closure area are subject to a 2,000-pound Atlantic herring possession limit.

Table 1 provides the current estimate of cumulative haddock catch by midwater trawl vessels fishing under the 2013 GB haddock catch cap (273 mt). This table includes data reported through October 23, 2013 and shows that about 83% of the 2013 GB haddock catch cap has been utilized by the herring midwater trawl fleet (226.5 mt, about 499,350 pounds haddock caught since May 1, 2013). As of this date, none of the FY 2013 GOM catch cap (3 mt) has been taken.

Midwater trawl vessels catching haddock on Georges Bank are participating in the Area 3 Atlantic herring fishery. This is predominantly a late summer/fall fishery, with the majority of herring catch in Area 3 historically occurring from June/July-November. On October 24, 2013, NMFS closed the directed herring fishery in Area 3 because 92% of the sub-ACL has been caught, so vessels fishing in this area will be restricted to a 2,000 pound possession limit of Atlantic herring through December 31, 2013. The Atlantic herring fishery in Area 3 will not re-open until January 1, 2014. As a result, herring midwater trawl activity on Georges Bank is not expected to increase significantly again until summer 2014.

Table 1 Cumulative GB Haddock Catch by Herring Midwater Trawl Vessels, 2013 FY (May 2013-April 2014)

Month	Monthly estimated haddock catch (mt)	Cumulative estimated haddock catch (mt)	Cumulative percent of quota (273 mt)
MAY	6.38	6.38	2.34%
JUNE	42.98	49.36	18.08%
JULY	50.02	99.38	36.40%
AUGUST	57.95	157.34	57.63%
SEPTEMBER	34.91	192.25	70.42%
OCTOBER	34.23	226.47	82.96%

Sea Sampling (Observer) Information (NEFOP)

Observer coverage on midwater trawl vessels (single and paired) has been relatively high in recent years because midwater trawl vessels are required to have 100% observer coverage when fishing in Groundfish Closed Area I (CAI). This requirement includes a pre-trip notification and has significantly increased observer coverage in the Area 3 herring fishery (Georges Bank), which is prosecuted only by midwater trawl vessels. Overall, the Northeast Fisheries Observer Program (NEFOP) achieved 526 midwater trawl sea days from January – October 2013 (360 sea days were tasked to this fishery for 2013), totaling 109 trips (see Table 2). Observer coverage on midwater trawl vessels was relatively high during September and October 2013, but not as high as 2012. To date, the average observer coverage rate for midwater trawl vessels (% of trips) in 2013 has been 27%. The percent of midwater trawl trips observed in 2013 is lower than in 2012 primarily because there were significantly less pre-trip notifications for CAI, which requires 100% coverage. In 2012, there were 158 trips that notified for CAI and were covered, thereby increasing the overall coverage on midwater trawl vessels. So far in 2013, there have only been 64 trip notifications to CAI, and the Area 3 (Georges Bank) herring fishery closed in October. NEFOP personnel noted that call-in compliance was 100% over the 2013 summer season.

Table 2 2013 NEFOP Overall Observer Coverage on Midwater Trawl Trips

	# Declared Trips	# Observed Trips	% Trips Covered
January	78	9	12
February	59	7	12
March	40	13	33
April	16	2	13
May	19	11	58
June	34	16	47
July	44	6	14
August	47	9	19
September	41	23	56
October	33	13	39

Recently, NEFOP staff further investigated available observer data (some still preliminary) based on concerns expressed about haddock bycatch by midwater trawl vessels. While all observed haddock catch is documented and accounted for through catch cap monitoring, NEFOP staff examined details provided in the observer logs regarding any released catch and/or slippage events that may have been observed on Georges Bank, as well as length frequencies for observed haddock catch. Additional information and preliminary data will be presented at the November 20 Council Meeting.

Portside Sampling Information

Massachusetts Division of Marine Fisheries (MA DMF) continues to collect catch information (landings) from midwater trawl vessels through its portside sampling efforts. During June-August 2013, MA DMF fully sampled landed catch from ten trips by midwater trawl vessels fishing in Area 3; one trip had no haddock catch; landed haddock catch on the other nine trips totaled just under 85,000 pounds. It is not clear whether these trips were also sampled at-sea by a NEFOP observer. Generally, haddock catch accounts for less than one percent of total catch on these trips, although three of the trips sampled by MA DMF from June-August had showed catch ratios closer to 2-3%. Haddock catch was not observed by MA DMF samplers in landings on trips from Areas 1A and 2. The Maine Department of Marine Resources (ME DMR) portside sampling program also sampled two trips from Area 3 during 2013, both of which were also sampled at-sea by NEFOP observers. Landed haddock catch on these two trips are accounted for through NMFS catch cap monitoring, which utilizes the observer data to estimate haddock catch for the entire midwater trawl fleet.

Amendment 5 Management Measures

On July 19, 2013, the NMFS Regional Administrator informed the Council of the partial approval of Amendment 5 to the Atlantic Herring FMP. While the 100% observer coverage requirements for Category A and B herring vessels were not approved by NMFS in Amendment 5, there are several other management measures in Amendment 5 that may help to address recent concerns about bycatch, observer coverage, and the ability of observers to fully sample catch on vessels that pump fish. These measures are summarized below and will be effective during the 2014 fishing year and beyond. The Proposed Rule for Amendment 5 to the Herring FMP was published in the *Federal Register* on June 3, 2013. Publication of the Final Rule and implementation of Amendment 5 are anticipated shortly.

- ***Requirement to provide observers with visual access to the net/codend (all limited access herring vessels with observers on board)***: Vessel operators will be required to provide and assist NMFS-approved observers in obtaining visual access to the codend (or purse seine bunt) and any of its contents after pumping has ended, before the pump is removed. On trawl vessels, the codend and any remaining contents should be brought on board. If this is not possible, the vessel operator would be required to work with the observer to ensure that the observer can see the codend and its contents as clearly as possible. The observer will document this process and what he/she is able to see/sample in the observer log.
- ***Closed Area I sampling provisions and prohibition on slippage unless under three exceptions (safety, gear, dogfish)***: Vessels will be required to pump aboard all fish from the net for inspection and sampling by the observer. Unless one of the exceptions identified above is met, vessels would be prohibited from releasing fish from the net, transferring fish to another vessel that is not carrying a NMFS-approved observer, or otherwise discarding fish at sea, unless the fish have first been brought aboard the vessel and made available for sampling and inspection by the observer. If the net is released for any of the reasons stated above, the vessel operator will be required to complete and sign a Released Catch Affidavit providing information about where, when, and why the net was released, as well as a good-faith estimate of the total weight of fish caught on the tow and weight of fish released. With the implementation of Amendment 5, these provisions will apply across the fishery to any limited access herring vessel when an observer is on board.
- ***Requirement for 100% observer coverage on midwater trawl vessels fishing in the year-round groundfish closed areas***: Midwater trawl (single and paired) vessels will be required to carry a NMFS-approved observer on all trips where fishing may occur in the groundfish year-round closed areas. Vessels will be required to indicate their intention to fish in the groundfish year-round closed areas when scheduling a NMFS-approved observer through the pre-trip notification system. To ensure 100% coverage, midwater trawl vessels will be prohibited from fishing in the groundfish year-round closed areas without a NMFS-approved observer on board. The sampling provisions described in the previous bullet will apply on all trips in the year-round closed areas since 100% observer coverage in these areas will be required.