

Herring Advisory Panel Summaries

May 14, 2009
August 25, 2010



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 hasn't 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 "stick" 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 “sticking” 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?

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Herring Advisory Panel

Sheraton Harborside Hotel, Portsmouth NH

August 25, 2010

The Herring Advisory Panel on August 25, 2010 in Portsmouth, New Hampshire to: develop recommendations concerning the catch monitoring alternatives and alternatives to address river herring bycatch for inclusion in Amendment 5 to the Herring Fishery Management Plan (FMP).

Meeting Attendance:

Herring Advisory Panel: Dave Ellenton (Chair), Bob Westcott, Peter Baker, Jennie Bichrest, Jeff Reichle, Jeff Kaelin, Don Swanson, Vito Calomo, Peter Mullen, Chris Weiner, Spencer Fuller (11 Advisory Panel members present, 4 absent: Al West, Gib Brogan, Dave Turner, Peter Moore); *Others:* Carrie Nordeen (NMFS), John Johnson (proxy for Peter Moore), Sean Mahoney (proxy for Gib Brogan), Madeline Hall-Arbor (PDT member), Jamie Cournane (PDT member), Gary Libby, Gary Hatch, Glenn Robbins and several other interested parties.

Mr. Ellenton started the meeting with opening remarks, and Ms. Steele gave an overview of the development of the Amendment 5 management alternatives and the timeline for completing work on Amendment 5. Mr. Ellenton and Ms. Steele discussed the possibility of having another joint Committee and Advisory Panel (AP) meeting in the future for reviewing the Draft EIS and selecting preferred alternatives, prior to public hearings.

Council Staff Discussion Paper: Potential Applicability of Flow Scales, Truck Scales, and Volumetric Measurement in the Atlantic Herring Fishery

Ms. Bigelow presented a Council staff white paper that explores the potential for using flow scales, hopper scales, and truck scales in the herring fishery to generate more accurate estimates of catch weight and to move away from reporting catch through volume-based estimation. She summarized the presentation by noting that some of the issues to be addressed/resolved if scales are going to be required in any aspect of the fishery include: accounting for water weight; weighing speed; scale installation, calibration, certification, and maintenance requirements; and selection/approval of scale vendors. A few questions were asked by AP following the presentation:

- Mr. Ellenton asked if the AP would be in favor of using an alternative unit of measure to the hogshead, and Ms. Bichrest supported the idea. Ms. Bigelow noted that there may be cost savings to using the hogshead unit, as the boats in Maine were already required to be

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measured by hogshead. Ms. Bichrest clarified that there are approximately 1,200 pounds in a hogshead.

- Mr. Ellenton inquired if there were any options that Ms. Bigelow did not think were feasible based on the disadvantages she had found in her research. Ms. Bigelow noted that axle pads and wheel pad scales for trucks were only certified for enforcement purposes, and have issues with accuracy.
- Mr. Ellenton noted that he would like the AP's comments to be added to the Draft Amendment 5 document.
- Ms. Bigelow clarified that a Certified Weighmaster would need to be present when using truck scales for the weight estimation to be used in a financial transaction. A few of the scales she had presented in the existing truck scales section may have a Certified Weighmaster present already, but she was not certain. She also explained that if the option were to be chosen then she would need to do further research into those scales, to determine if they were functioning 24 hours a day or if they would allow the industry to use the scales for the purposes of the amendment.

Measures to Confirm the Accuracy of Self-Reporting (Section 2.5)

Ms. Bigelow explained the measures to confirm the accuracy of self reporting and the corresponding comments as they were in the Draft Amendment 5 Document. Some of the issues included: water weight in all scale measurements, certification and documentation issues, and where clarification and specification was needed in each option. As each measure was explained, there were several responses:

- Mr. Westcott described the process that he recently undertook to certify his two holds for the menhaden fishery, including the conversion to cubic meters (0.36 coefficient) by a marine surveyor. In his description, he also noted that his certification had later come in the mail, signed by the state of Rhode Island, and that subsequently he had gotten his license. He also explained that when the boat came into port, the fish would be at a certain level that was marked during the certification, and that perhaps dropping a weight into the hold would work. He also thought a RI Department of Environmental Management employee would be coming to check the landings, although he noted that he had not had any landings since the certification, as the fishery had be closed. Ms. Bichrest noted that she thought the process was similar to the pilot project in Maine, and that if anyone felt the boat landings needed to be checked, they could be, as a result of the certification. Ms. Bigelow noted that some of the states that she had spoken with may not be willing to certify other people's work.
- Mr. Ellenton asked Ms. Nordeen to comment on the opinion of NMFS regarding the certification of holds and the options associated with it. Ms. Nordeen told the AP that the option for certification of holds had not been discussed, but that criteria for the option would need to be developed, similar to the state of Maine regulations. She also noted that NMFS had already certified some scales, but the Committee would need to develop specific criteria for them if they were chosen.
- Mr. Calomo pointed out that sounding of holds was a well known process in many places, and he did not feel that the procedure needed to be reinvented for the purposes of the amendment.

DRAFT

- Mr. Weiner explained a similar procedure that he had been a part of in the chemical industry, where the chemicals were moved by weight. He also explained that there were many public truck scales available, and that although the trucks lose a little weight occasionally, such as loss of fuel weight, the process should be a feasible one for the herring industry and may cut costs.
- Mr. Johnson pointed out that in his work, the fish holds and the trucks are already measured, and the measurements are adjusted based on dealer feedback. He noted that there was a substantial interest in knowing how much fish was in either container. He also noted that there were people on all the vessels involved that were supposed to be monitoring how much catch was taken. He suggested that similar to his operation, it would be good to come up with a system of measurement and guidelines, and then train the observers already in the industry to take those measurements, on a tow by tow basis, noting that it would be good for both the observers and the vessel and wouldn't require additional equipment.
- Ms. Bigelow noted that the communities of Stonington, Vinalhaven, Lubec, Eastport, and Prospect Harbor do not have scales in and around the ports used by the herring industry.
- Mr. Reichle recommended that the truck weighing section be removed from the document, as it was impractical; the industry is functioning 24 hours a day and the scales would need to do the same. He also pointed out that in some locations, ice is added to the fish, and in others, the trucks come to the facilities to pick up fish without the bait containers on the trucks, and that both situations may alter the weights in the trucks.
- Mr. Kaelin recalled the discussion from the previous Committee meeting, where one of the objectives that was mentioned is to better align dealer data with VTR data. He interpreted this objective to be focusing on how many fish are being landed at the point of landing, but noted that the industry was likely to want the same information in order to be paid correctly. He also thought the truck weighing options should be removed from the document, as he did not think the Committee objective of aligning VTR data with dealer data would be achieved through those options. Mr. Fuller agreed, noting that the option to weigh trucks at existing scales would require the trucks to drive an additional 15 to 20 miles in some case, which would slow down operations and increase costs. Ms. Bichrest also agreed, noting that the quality of the fish may be compromised, that trucks may not be able to get to their destinations on time, and that they already have a lot of paperwork and regulations associated with the transport of herring. She also reminded the AP that the limits on fishing days were already complicating and rushing boat's landing times.
- Ms. Bichrest inquired into the measurements of trucks in Canada, and Ms. Bigelow replied that further research into their regulation would be needed if the truck options are chosen. Ms. Bichrest advocated for the same marks in fish holds being drawn in the herring transport trucks, and noted that it would help with standardization in the industry. Ms. Bigelow noted that the procedure for certifying fish holds requires filling the hold with water, and that the same procedure would not work for all trucks because some are not water-sealed like fish holds.
- Mr. Mullen expressed support for an option to calibrate truck holds, in addition to fish holds, so that the two could be cross-checked. He also did not support flow scales, pointing out that they would add to the instability of boats, particularly his, where all the locations for a scale are high above the deck of the boat.

DRAFT

- Mr. Kaelin cautioned that the objective of the options is important, and noted that the option to certify fish holds meets that objective but that other options could cause new problems. He noted the variability in the way fish are handled and transported from port to port, and the ability of fish to settle differently depending on the handling, which could be problematic with truck measurements. He expressed concern over enacting regulations that would require boats to wait for a third party to arrive at port before proceeding. He felt he could support an option that would require verification when possible, and that it would be a sufficient cross-check between dealer and VTR data. He also noted that self-reporting had been occurring for a long time and was working well, but that the public's opinion of it would need to be changed.
- Mr. Westcott expressed concern that he knew the volume of his fish holds and how many pounds of water that equated to, but did not get the same number of pounds when the hold was full of herring, and noted that the number of pounds was significantly less. Ms. Bigelow clarified that the issue of conversion would need to be decided on by the Committee and Council, and Mr. Westcott supported the conversion that the Southeast Science Center utilizes.
- Mr. Baker noted that the groundfish sectors have 100% verification of landings, and asked that Mr. Libby speak to the issue. Mr. Libby explained that dockside monitoring needs to be conducted by a third party, and that vessels in his fishery were encouraged to wait 15-20 minutes for the third party to arrive, and if they did not, it was alright to start the offloading process without them. He suggested that a random weighing of the trucks to prove the vessel's volume accuracy may be appropriate. He further explained that when there are 5,000 – 10,000 pounds of groundfish in the boat, the offloading procedure typically takes two to three hours. When the fish are sold to the exchange, they are weighed at the exchange, but when sold to their own organization, they are weighed there.
- Mr. Kaelin noted that the groundfish fishery is very different from the herring fishery, because groundfish can be measured individually, and thought similar measures between the two fisheries would be inappropriate.
- Mr. Johnson also noted the differences between the groundfish fishery and the herring fishery, specifically noting that the herring fishery often changed the ports in which they landed. Dewatering boxes are set up according to the needs of the market and the locations of the fish.
- Ms. Steele questioned the value of sounding the tank if it is not a part of portside sampling. Mr. Reichle replied that the point would be to check and monitor the dealer reporting relative to what is being sold.

During the discussion, measures related to catch monitoring and control plans (CMCPs) were addressed. Ms. Nordeen explained the Agency's concerns regarding the CMCP options and stated that further discussion by the AP would be illuminating. She also noted that the options for CMCPs should be fleshed out further. Ms. Steele also explained the CMCP options, and related it to the larger section on CMCPs in the document. Mr. Reichle felt that a CMCP would be acceptable in the herring fishery from a plant perspective, but that for individual boats it would be very difficult. Mr. Baker described the initial intent of the CMCP options and noted that the industry did not seem to want to utilize CMCPs, and he did not express concern about eliminating those options for that reason.

1. MOTION: VITO CALOMO/BOB WESTCOTT

To recommend, as a preferred option, to have the vessels measured and certified, to better determine the estimated weight of fish on board (Section 2.5.2)

Additional Discussion on the Motion: Mr. Calomo noted that the measurement of the hold would give a good estimate on how many fish were on the boat. Mr. Kaelin clarified that the measure would be used as a check against dealer reporting. He also pointed out that there are going to be differences in the data because of the various ways of handling the fish during and after they are offloaded, and he wondered how to deal with those issues. Mr. Westcott noted his own loss of eight to ten percent of the total weight when offloading, and attributed it to water. Ms. Bichrest suggested that the regulations in Canada may have a way to deal with the inaccuracies, including differences in fish quality, which also makes a difference in the measurements. Ms. Bigelow noted a standard percentage that was applied through measures in Europe to address inaccuracies. Mr. Ellenton pointed out that the objective was to confirm self reporting at the present time, not monitor or count landings, and Mr. Reichle further pointed out that the percentage did not need to be decided on currently, but could be worked through once data had been obtained from the fishery.

Mr. Baker stated that he could not support the motion, as he felt it was confirming the status quo, and was not supportive of merely measuring the boat currently and taking action later. Mr. Wiener noted that the motion was confusing. Mr. Johnson voiced concern that simply measuring the boat holds would not be enough. He asked that there also be a report and measuring device that any third party could come on deck and use to take a measurement. There was then further clarification of the option in the document between Mr. Baker and Mr. Reichle. Mr. Baker questioned where the checks and balances would be in the system. Mr. Reichle explained that initially the fish holds would be certified but that data would also be collected, in a specified way, to develop a standard and cross-check the plant information where fish are weighed, and that pending that data, further action could be taken in the future. The motion and the measure would add a cross-check mechanism through a third-party. A friendly amendment was suggested by Mr. Baker, to include the phrase "to be determined by a third-party;" however Mr. Calomo noted that the language was not necessary, as NMFS was always capable of coming to check the hold, regardless of the wording. Mr. Weiner clarified that according to the motion, a third party could verify the catch at any time. Mr. Mullen noted that observers could be trained to sound the tank and the data could be at NMFS very quickly thereafter. Mr. Baker withdrew his mention of the friendly, based on the clarifications he had received during the discussion.

MAIN MOTION #1 CARRIED UNANIMOUSLY.

2. MOTION: JEFF REICHLER/JENNIE BICHREST

To recommend eliminating the options for weighing trucks from Section 2.5.3 (first three options under Section 2.5.3)

Additional Discussion on the Motion: Mr. Reichle further noted that the truck weighing options are impractical due to the industry's standard of working over holidays and at odd hours, as well as the ability to get the trucks to the scales in question. Ms. Bichrest supported the motion, noting that the options would be cost prohibitive.

DRAFT

Ms. Bigelow noted that with the option remaining, there is still no specified process for weight verification once the truck is full. She explained that height of the fish in the truck could be different from location to location in the truck if the truck was not completely level and the fish had not settled, therefore the sounding technique used on the boats would not work on the trucks. Mr. Westcott pointed out that the trucks often shake the load to level it, and Mr. Swanson clarified that use of truck scales also required a completely level location. Ms. Bichrest suggested that the leveling could be done by eye once the truck had finished draining. Ms. Bigelow thought that if that technique were employed, there would need to be a series of marks in the truck.

Mr. Ellenton inquired if it would only be federal dealers that the regulations applied to. Mr. Reichle noted that it would have to be any truck that hauled herring, and that furthermore a large portion of dealers did not use their own trucks. Ms. Steele clarified that regulations would have to specify any trucks that are used to haul herring as needing to be certified. Mr. Mullen also thought it should be any truck that hauled herring for money that would need the certification. Ms. Bigelow explained that the Regional Office had expressed concern over certifying trucks in general, and Mr. Kaelin read Ms. Goodale's explanation that part of the problem was that the Regional Office does not certify trucks. Mr. Swanson asked about trucks that are containerized, as in flatbeds that carry herring in totes or bins, and Mr. Reichle thought that the bins would need to be certified, but noted that there were probably between eight and ten thousand being used by the industry. Ms. Bigelow expressed concern that there were also bins that did not get put onto trucks but that were used to store the herring at the ports.

The AP agreed that it would support further consideration of an option to require trucks to be measured and certified.

MAIN MOTION #2 CARRIED 6-3-0.

Mr. Reichle suggested that the sounding of the tanks option be employed for a time, after which a percentage of variation could be established based on the difference between the soundings and what is weighed coming out of the boat, and that could be used to monitor quotas, instead of dealer data. Mr. Johnson explained that the largest problem he saw in the industry was the open trucks and tankers, not the vats which he already felt were accurate. Mr. Reichle suggested that the measures would make it so dealers would be aware that if they were under-reporting and not selling fairly, then the quotas would go down, and the dealer would no longer be able to procure fish.

3. MOTION: JEFF KAELIN/JENNIE BICHREST

To recommend eliminating Section 2.5.4 from the document (requirements for flow scales on herring vessels)

Additional Discussion on the Motion: None.

MAIN MOTION #3 CARRIED 8-0-1.

The AP did not have any comments on the CMCP section.

Funding Options

Ms. Steele described the various options in the Draft Amendment 5 Document to address funding. She highlighted the problems associated with some of the funding options currently in the document.

4. MOTION: JEFF KAELIN/VITO CALOMO

To recommend that the AP only support Section 2.11.2 to fund catch monitoring from federal funds (based on the options currently listed in Section 2.11 of the document)

Additional Discussion on the Motion:

- Mr. Kaelin felt that another amendment addressing ITQs would change the way that funding was considered, and short of that, only federal funding should be considered.
- Mr. Libby supported the motion because he felt no money would come out of the RSA option and the dealer option would mean the fishermen would end up paying.
- Mr. Swanson questioned why the industry could not fund the program, similar to the way the recreational fishery funds programs. He noted that an option from the industry would mean the buyer of the fish would pay for the program. Mr. Reichle did not agree with the suggestion, and cited his own experience in which the cost was always passed on to the fishermen, due to the competition from sellers overseas. Mr. Mahoney agreed with Mr. Swanson's suggestion, and noted that other industries also pay for their own monitoring, and did not think the federal government should have to.
- Mr. Baker pointed out that some people would vote for the motion because they don't think that the right funding options are in the document, while others would vote for the motion because they don't think that other options should be considered. He stated that he would support the motion because he does not think that the right option for funding is in the document at this time.

MAIN MOTION #4 CARRIED 8-0-1.

Ms. Bichrest suggested, as an alternative source of funding, that a tax be applied for the end user, that would be evenly distributed and asked Mr. Reichle what amount would be appropriate for such a tax. Mr. Reichle responded that the matter was complicated, and that a customer in a foreign country was not going to spend extra money to buy from the US if the price was cheaper in a different country. He felt the tax would still end up on the fishermen, and asked that the conversation focus on why observer costs in the Northeast were more expensive than anywhere else in the world.

5. MOTION: PETER BAKER/CHRIS WEINER

To support a monitoring program that will have the capacity to extrapolate catch, bycatch, and incidental catch across the fishery

Additional Discussion on the Motion: Mr. Kaelin did not support the motion if meant extrapolation of river herring catch to the fishery-wide level when 75% of the tows in the industry did not have river herring in them, and noted that the observer program already extrapolates from the tow level. Mr. Ellenton asked if the intent of the maker of the motion was to extrapolate across the whole fishery. Mr. Baker explained that the past 15 years in the industry

DRAFT

had not seen enough observer coverage, and that therefore there was not enough information to extrapolate from. He stated his desire for the best estimate of bycatch in the herring fishery, and noted that it should be a goal of the amendment, and thought the industry advisors should support the measure, as it was important that the Committee and Council know that the AP supports the goal. Ms. Steele suggested changing the word “extrapolate” to “estimate” or something similar. Mr. Johnson noted his experience in the field, and how he has seen how extrapolation can be inaccurate. Mr. Baker clarified that funding was not considered in the motion, and that his intent was to get the AP to clarify that there is an inadequate monitoring program and that they want accurate information and to be able to make or change or remove regulations based on how much bycatch is occurring in the fishery.

MOTION #5 PERFECTED

To support a monitoring program that will have the capacity to generate accurate estimates of catch, bycatch, and incidental catch across the fishery

Additional Discussion on the Motion: None.

MOTION TO AMEND: JEFF KAELIN/VITO CALOMO

To add “...and provide for determination of the biological implications of that catch, bycatch, and incidental catch”

Additional Discussion on the Motion: Mr. Baker inquired how the herring monitoring program would determine the biological implications of the bycatch, noting that it would have to do with the processing of the data, not the monitoring program.

MOTION TO AMEND PERFECTED

To add “...sufficient for the Council to make a determination of the biological implications of that catch, bycatch, and incidental catch”

Additional Discussion on the Motion: Mr. Kaelin noted that there is no river herring assessment, and suggested that there may be significantly less river herring bycatch than was previously recorded. He explained that the point of his amendment was to make sure that the intent of the motion is not to vilify the fishery, and that the public understands what the biological implications of the incidental catch may be. Mr. Baker did not feel the motion vilified the fishery, and was concerned that the motion addressed the processing of the data and not the collection. Mr. Kaelin voiced further concern over the use of the word “extrapolate.” Mr. Mahoney did not feel that the wording addressed Mr. Kaelin’s concerns, and noted that the motion to amend could change the level of monitoring that was needed. He supported the idea that the data be used for a purpose.

MOTION TO AMEND CARRIED UNANIMOUSLY.

MAIN MOTION #5 CARRIED UNANIMOUSLY.

Measures to Require Electronic Monitoring

Ms. Steele described the various options in the Draft Amendment 5 Document to address electronic monitoring. Ms. Steele noted that some options could be implemented through a framework if the alternatives were worded correctly in Amendment 5. She asked that the AP consider which options could be implemented in the current year and which options to move forward with. Several comments followed the presentation:

- Mr. Westcott explained his camera system as it was set up on his boat for the Observer Program's groundfish experimental project. He explained that four cameras would also be on board when he fished for herring in the winter, and that the cameras were provided by the Fisheries Sampling Branch.
- Mr. Weiner suggested that options two and three be left open for research, with the option to implement them through a framework later.
- Mr. Reichle explained his experience in the fishery with a Simrad system that was three years old, and that the system did not work 70% of the time. He did not support the requirements because he felt the equipment had not been developed enough, especially if trip terminations were required for equipment failure.
- Mr. Westcott noted that in the groundfish fishery the requirements for observers also required the industry to pay for the observers beginning in 2012. He was hoping that the cameras could alleviate the costs of the observers. He also described how the video monitoring and sampling worked for groundfish, which included bringing the bag up on deck and the use of a conveyor belt.
- Mr. Reichle reiterated his belief that the gear may not be ready for use, particularly in the herring fishery, but expressed hope that a research project could be done based on the options which could then turn into a framework which could be implemented later.
- Mr. Weiner supported the idea of utilizing the options in a research capacity and then transferring them to requirements in a framework at a later date, if they functioned well in the research, as he did not think the cameras could see the dumping which occurs in the herring fishery very well.

6. MOTION: JEFF REICHLER/BOB WESTCOTT

To recommend eliminating Sections 2.9.2 and 2.9.4 from consideration at this time

Additional Discussion on the Motion: Mr. Kaelin explained that the original intent of both options was determined a few years ago before the industry understood that NMFS was not ready for a herring study fleet. Mr. Mahoney supported the motion.

MAIN MOTION #6 CARRIED 7-1-1

Measures to Address River Herring Bycatch

Ms. Steele described the various options in the Draft Amendment 5 Document to address river herring bycatch. She explained the updates that would be presented at the upcoming Herring Committee meeting and the change of hotspot focus areas from statistical areas to quarter degree squares. Mr. Kaelin thought the language should reflect the involvement of several gear types. He noted interest from the bottom trawl fleet outside of the herring fishery.

DRAFT

7. MOTION: JEFF KAELIN/JENNIE BICHREST

To recommend that measures to address river herring bycatch in Amendment 5 would apply to Category A, B, C, and D herring vessels

Additional Discussion on the Motion: Mr. Kaelin felt that the best approach was to have the entire fleet aware that there may be encounters of river herring hotspots. Mr. Baker expressed concern that the scope of the measures would become extraordinarily large and act to distract from the initial intent of the measures. He felt the measures should apply primarily to Category A and B vessels. Ms. Steele noted that there may be a lot of latent permits that may not renew as a result of the measure, as many of the permit holders do not land much herring.

MOTION TO AMEND: PETER BAKER/CHRIS WEINER

To remove “and D”

Additional Discussion on the Motion: Mr. Weiner noted that it was difficult enough to fund the measures for Category A and B vessels, and he did not see how Category D vessel requirements could be funded as an addition. Mr. Mullen did not support the motion to amend, and thought the measures should apply to all boats across the fishery. Mr. Mahoney asked for clarification on implementation of the original motion. Ms. Steele explained that implementation would be complicated, but could be done, and may eliminate many latent open access permits. Mr. Kaelin noted that his motion responded to data which shows that almost half the river herring mortality comes from the bottom trawl vessels.

MOTION TO AMEND FAILED 2-5-1.

Ms. Steele clarified that the first alternative is a no action alternative, and would therefore not recommend that catch monitoring would apply to Category D permit holders.

MAIN MOTION #7 PERFECTED:

To recommend that measures to address river herring bycatch in Amendment 5 (Alternatives 2-7) would apply to Category A, B, C, and D herring vessels

MAIN MOTION #7 CARRIED 6-1-1.

Ms. Steele asked if there was any discussion to be had on move-along rule thresholds and durations, and noted that these issues would need to be addressed if the option is chosen. Mr. Kaelin expressed hope that random thresholds and durations would not need to be set, and that the ongoing SFC project would be able to determine some numbers for use.

Other Business

Mr. Calomo noted the need for the best information available for the Draft EIS document. He also noted that the river herring stock complex has been decreasing for 30 years, but that the herring fishery has really just emerged in the last 10 years. He also noted that the public should be made aware of the issue. Ms. Steele noted that it was up to the Committee to decide if they wished to use a precautionary approach in the face of uncertainty.

DRAFT

Ms. Steele gave a brief description of the issues associated with the measures to establish criteria for midwater trawl vessel access to groundfish closed areas. She explained that the issue could be addressed through multiple mechanisms, but the Committee and Council will need to make the decision.

Mr. Calomo noted the economic benefit to the nation of the pelagic fishery, and asked that it be emphasized in the document. He also noted the shore-side facilities that have benefitted from the industry and the jobs associated with the economic benefit and the loss of employment incurred when the sardine canneries closed. He suggested that more fishing could lead to an even larger economic benefit. Mr. Baker echoed the sentiment that all economic impacts of all the measures in the document be considered, as well as the impacts on recreational fisheries including river herring fisheries that have been shut down.

Mr. Ellenton inquired about the process and possibility of having a discussion with the Groundfish Committee about the Framework 43 haddock catch cap, noting that increased observer coverage warrants consideration of adjusting the cap since the cap is calculated based on an expectation of 20% coverage. Ms. Steele clarified that changes to how the cap is calculated would require an additional Council action, as there is no room for flexibility in the catch cap calculations established in Framework 43. Mr. Baker expressed interest in setting a cap that was more applicable to expected observer coverage.

Mr. Kaelin pointed out that the groundfish closed areas are being reconsidered and may not exist in the future. He then explained that his company was the owner of multispecies permits being fished in a sector, but when they tried to sell them, they got no bids for the haddock ACE that the permits allow. He inquired if there is a way to work with the groundfish fishery to see how haddock ACE could be applied towards the catch cap allowance in the future.

The Herring Advisory Panel Meeting adjourned at approximately 5:00 p.m.

