



## New England Fishery Management Council

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# MEETING SUMMARY

## Herring Advisory Panel

DoubleTree by Hilton, Danvers, MA

March 15, 2016

The Herring Advisory Panel (AP) met on March 15, 2016 in Danvers, MA to make recommendations to the Herring Committee (Committee) on: 1) preliminary preferred alternatives for the herring alternatives in the Industry-Funded (IFM) Monitoring Omnibus Amendment, 2) a potential future monitoring set-aside program, 3) goals and objectives for a public workshop on the Management Strategy Evaluation of Acceptable Biological Catch control rules to be developed through Amendment 8 to the Atlantic Herring Fishery Management Plan (FMP), and 4) address other business, as necessary.

**MEETING ATTENDANCE:** Mr. Chris Weiner (Chairman), Ms. Jennie Bichrest, Mr. John-Paul Bilodeau, Mr. Bert Jongerden, Mr. Zach Klyver, Ms. Meghan Lapp, Mr. Gerry O'Neill, and Mr. Donald Swanson. The AP was supported by Council staff Dr. Rachel Feeny (Interim Herring Plan Development Team Chairman), Ms. Maria Jacob (IFM Amendment Council staff contact), and Dr. Jamie Cournane; and Ms. Carrie Nordeen, Ms. Carly Bari, and Mr. Daniel Luers (NMFS/GARFO). In addition, about 3 members of the public attended.

**SUPPORTING DOCUMENTATION:** Discussion was aided by the following documents and presentations: 1) meeting memo, 2) meeting agenda, 3a) Industry-Funded Monitoring Amendment Draft Environmental Assessment (September 2015), 3b) IFM Discussion Document (March 2016), 3c) IFM Decision Document (March 2016), 3d) Staff presentations on Herring Alternatives (March 2016), 4a) Management Strategy Evaluation Workshop overview, and 4b) Staff presentation on Amendment 8.

### **KEY OUTCOMES:**

- The AP recommends, as preliminary preferred alternatives in the IFM Amendment: Alternative 2.3 with a total coverage of up to 25% (including NEFOP and ASM) and a portside sampling rate of up to 50% and recording of haul back-only with up to 25% video review. The AP also selected Alternative 2.6, and Sub-option 1 (waiver when funding or logistics limit coverage availability), Sub-option 2 (wing vessel exemption if not pumping fish onboard), Sub-option 4 (IFM program evaluation after 2 years), and Sub-option 5 (exempt vessels landing less than 25 mt from IFM requirements) to apply to the Herring IFM Program.

- Consensus that a framework adjustment should be initiated at the April 2016 Council meeting to consider revising the Georges Bank haddock catch cap accountability measures.

***OPENING REMARKS:***

Chairman Mr. Chris Weiner opened the meeting at 10:00 AM with no announcements or agenda revisions. Dr. Feeney suggested that under Other Business, the AP discuss timing of a potential future framework regarding the Georges Bank haddock catch cap accountability measures (a 2016 Council priority) and schedule the next AP meeting.

***AGENDA ITEM #1: INDUSTRY-FUNDED MONITORING (IFM) AMENDMENT - ALTERNATIVES***

*Staff Presentation on Herring Coverage Target Alternatives*

Ms. Carrie Nordeen presented the range of herring coverage target alternatives and sub-options in the Industry-Funded Monitoring Amendment and data utility for different types of monitoring programs.

*AP questions on the presentation*

Ms. Meghan Lapp asked for clarification on the source of Federal funds to support the administrative costs for the industry-funded monitoring programs. Ms. Nordeen clarified that non-Standard Bycatch Reporting Methodology (SBRM) funds exist and funding lines between the Northeast Fisheries Science Center and the Greater Atlantic Regional Fisheries Office (GARFO) would cover administrative costs when there is funding available to support these IFM programs.

Ms. Nordeen explained that rulemaking for this action is expected late 2016 and effective in 2017, and the EM pilot project is expected to run for one year beginning this year, but the Greater Atlantic Regional Fisheries Office (GARFO) have not yet received funding; therefore the timing details for this remain unknown. The pilot project is expected to inform the implementation details for electronic monitoring requirements, with flexibility to adjust the program's operation to meet monitoring needs. There would be a pre-implementation plan with outreach to the industry.

The AP expressed interest in a comparison of haddock catch by herring vessels inside versus outside the groundfish closed areas.

Ms. Nordeen confirmed that vessels would be notified that they are selected for portside sampling coverage prior to leaving the dock. Mr. Weiner expressed concern that there is a potential for behavioral changes in fishing operations if the vessel captain receives advanced notice for portside sampling coverage upon return to port. Ms. Nordeen responded that electronic monitoring cameras would capture any changes in fishing operations. In addition, Ms. Nordeen clarified that the observer effect and portside sampler effect would be similar. Ms. Nordeen also clarified that if Sub-option 5 (IFM exemption for vessels landing less than 25 mt) were selected, then vessels that land less than 25 metric tons could notify the appropriate call-in system and be given a waiver from portside sampling coverage.

Dr. Rachel Feeney inquired about the lack of detail in the alternatives that would preclude landing herring in certain ports, specifically when it would be articulated which ports the alternatives apply to. Mr. Weiner expressed concerns regarding the fact that the details regarding limitations in ports available for landing would be worked out during implementation.

Mr. Zach Klyver asked whether a high-volume observer would be used to conduct the portside monitoring. Ms. Nordeen clarified that portside samplers currently are not required to obtain a high volume certification similar to observers, but service provider requirements would specify the training requirements for portside samplers.

Ms. Lapp asked whether the document can have an option that would allow for a re-evaluation of the economic impacts to the fishing industry every 2 years. Ms. Nordeen replied that Sub-option 4 would allow for the IFM program to be re-evaluated in two years, which could be modified to be a recurring evaluation process.

Dr. Jamie Cournane provided input to the question regarding what measures would be in place until electronic monitoring program was fully operational. She explained the process for implementation of electronic monitoring in Northeast Multispecies Fishery Management Plan. The regulations for groundfish monitoring allowed for at-sea monitoring or electronic monitoring to be used to monitor the fisheries once electronic monitoring was approved by NMFS. This method minimized the need for additional regulatory action while allowing for the pilot project and additional details on electronic monitoring to be worked out behind the scenes. Ms. Nordeen stated that in the past, a similar approach for monitoring coverage implementation was considered for the action, but this is no longer the case due to progress made regarding the development of EM technology. Ms. Bari clarified that the schedule for this amendment and the schedule for the pilot program do not fully align, but a delay on final action could mean a delay in implementation of electronic monitoring. Ms. Bari responded to Ms. Megan Lapp's concerns, stating that there would be no additional monitoring requirements for other gear types prior to electronic monitoring implementation on mid-water trawl vessels.

Ms. Jacob asked whether the goals for the herring coverage target alternatives are gear-specific, and Ms. Nordeen clarified that the goals apply to all gear types in the herring fishery. Ms. Nordeen clarified that groundfish at-sea monitors collect information on retained and discarded catch, while herring at-sea monitors would collect discard only information. Dr. Cournane explained that the haddock catch caps are monitored based on retained (including incidental catch) and discarded catch, and cautioned that the information collected solely from discarding events may not address the issues identified for this action.

### ***IFM AMENDMENT - REVIEW/DISCUSS REVISED ECONOMIC IMPACTS***

#### ***Staff Presentation on Herring Coverage Target Alternatives***

Ms. Carrie Nordeen presented the economic analysis of the herring coverage target alternatives, including revised cost assumptions for electronic monitoring and portside sampling.

#### ***AP questions on the presentation***

Ms. Megan Lapp raised concerns that the economic impacts for the small-mesh fleet includes other revenue apart from herring revenue. In addition, these vessels declare into multiple fisheries to allow for flexibility to retain other species if the target species is not caught (i.e. a vessel declared into the squid and herring fishery for a trip may only land squid, and vice-versa). For this reason, Ms. Lapp raised concerns that the vessel may be required to take an at-sea monitor or observer under IFM coverage and the trip may not land any herring.

Dr. Rachel Feeney asked how many cameras would be installed on each vessel, and Ms. Bari indicated that the number of cameras could be different between different vessels. Dr. Feeney also asked for clarification on what the Council should expect when selecting coverage rates for portside sampling, because the document states that the actual coverage level would be worked

out during implementation with Council and GARFO staff coordination. Ms. Bari and Ms. Nordeen indicated that the language in the discussion document is meant to allow for flexibility to adjust the percent coverage based on what is learned during the process.

Several Advisory Panel members expressed interest in confirming the revenue numbers (i.e. through dealer reporting) with the survey results.

#### ***IFM AMENDMENT - REVIEW/DISCUSS BIOLOGICAL IMPACTS***

##### ***Staff Presentation on Herring Coverage Target Alternatives***

Ms. Carrie Nordeen presented the biological impact analysis of different coverage levels.

##### ***AP questions on the presentation***

Mr. Gerry O'Neil asked for clarification on the use of portside sampling data to monitor the catch caps. Ms. Nordeen explained that both datasets would be kept separately, and both sets of data would be used to monitor the catch. Mr. Gerry O'Neil stated that the sampling intensity differs between NEFOP Observers and portside samplers. Ms. Nordeen stated that the portside samplers may collect more subsamples compared with NEFOP Observers, but the sampling design is similar between the two programs.

Dr. Cournane stated that it is not clear whether the conclusions on biological impacts are compared to the No Action Alternative, or whether the conclusions on biological impacts compare each alternative to each other.

#### ***IFM AMENDMENT - DATA UTILITY FOR AT-SEA MONITORING PROGRAM***

##### ***Staff Presentation on Herring Coverage Target Alternatives***

Ms. Maria Jacob presented the data utility of at-sea monitors, comparing herring and groundfish at-sea monitors. One of the main differences is that groundfish at-sea monitors collect information on retained and discarded catch, while herring at-sea monitors would only collect discard information.

##### ***AP questions on the presentation***

Mr. Gerry O'Neill asked whether the industry would have access to the data collected from monitored trips. Ms. Nordeen indicated that the industry would be able to request a copy of their data, and Ms. Bari clarified that availability of reports on monitored trips could be negotiated through the service provider.

#### ***IFM AMENDMENT - DEVELOP RECOMMENDATIONS FOR PRELIMINARY PREFERRED ALTERNATIVES FOR THE HERRING FISHERY***

**#1. Motion (O'Neill/Bichrest):** The AP recommends, as a preliminary preferred alternative, Alternative 2.3 with up to 25% ASM coverage and a portside sampling rate of up to 50% with sub-option 1 (provision of a waiver) and recording of haul back-only with up to 25% video review.

*Rationale:* Since the vessel operator would not know which aspect of the recording will be reviewed, 100% video review is unnecessary. In addition, purse seine vessels should not be excluded from monitoring requirements, and the Amendment should monitor the fishery as a whole. There is no need to video-record during times of no fishing activity; therefore, recording

during haul-back would capture fishing effort. Waivers from monitoring requirements are necessary to prevent reduction in fishing effort when monitoring coverage is not possible due to logistics and funding. The waiver would apply to all components on the motion. Each gear type sells herring to the same market, and one gear type will not be able to charge a higher price to cover the increased operational costs incurred through industry-funded monitoring, raising equity concerns because the herring resource is harvested by multiple gear types.

**#1a. Motion to amend (Jongerden/Bilodeau):** The AP recommends, as a preliminary preferred alternative, Alternative 2.3 with a total coverage of up to 25% (including NEFOP and ASM) and a portside sampling rate of up to 50% with sub-option 1 (waiver) and recording of haul back-only with up to 25% video review.

*Rationale:* To allow SBRM coverage to count towards the overall coverage target level selected (i.e., 25% coverage target would include SBRM coverage rate and IFM coverage would make up the difference towards a target of 25% monitoring coverage).

The motion #1a to amend **carried** on a show of hands (5/1/1).

**#1b. Main motion:** The AP recommends, as a preliminary preferred alternative, Alternative 2.3 with a total coverage of up to 25% (including NEFOP and ASM) and a portside sampling rate of up to 50% with sub-option 1 (waiver) and recording of haul back-only with up to 25% video review.

**#1c. Motion to substitute (Klyver/none):** The AP recommends, as a preliminary preferred alternative, Alternative 2.4 with 100% electronic monitoring, 100% recording, and 100% portside sampling.

The motion **failed** for lack of a second.

**#1d. Main motion:** The AP recommends, as a preliminary preferred alternative, Alternative 2.3 with a total coverage of up to 25% (including NEFOP and ASM) and a portside sampling rate of up to 50% with sub-option 1 (waiver) and recording of haul back-only with up to 25% video review.

The motion **carried** on a show of hands (5/1/1).

**#2. Motion (O'Neill/Jongerden):** The AP recommends, as a preliminary preferred alternative, Alternative 2.6 with sub-option 1.

*Rationale:* This alternative allows you to access closed areas with coverage. Industry would rather have actual bycatch numbers rather than assumed numbers.

The motion **carried** on a show of hands. 5/2/0.

**#3. Motion (Klyver/O'Neill):** The AP recommends sub-options 2, 4, and 5.

*Rationale:* Support for other sub-options in addition to Sub-Option 1. Sub-option 2: It's prudent that we wouldn't need to add more costs to the industry for vessels with no fish being pumped on board. Sub-option 4: It would be good to have an opportunity to review and make adjustments to the Herring IFM Program. Sub-option 5: Do not want to impact smaller vessels that are harvesting smaller volumes of fish.

The motion **carried** on a show of hands (5/0/2).

#### ***MONITORING SET-ASIDE PROGRAM***

Ms. Maria Jacob explained that the details of a monitoring set-aside program would have to be developed through a separate framework at an FMP-specific level in the future. One of the benefits of a monitoring set-aside program is that it could allow for cost-sharing across the fishery for those vessels impacted by industry-funded monitoring coverage.

#### ***AMENDMENT 8 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN***

##### *Herring PDT update*

Dr. Feeney presented a brief update on Amendment 8 development. In January, the Council voted to develop Acceptable Biological Catch control rule alternatives using a Management Strategy Evaluation approach. An early step in that will be a public workshop May 16-17, 2016. The goals and objectives for the workshop were presented, as drafted by the workshop steering committee. The AP was asked to provide input on workshop planning. Regarding localized depletion, the Herring PDT is working on tasks provided by the Herring Committee in January, and will report out on that at the March 29-30 AP and Committee meetings.

##### *AP questions and discussion*

There were no AP comments on the workshop goals and objectives.

Mr. O'Neill asked if there would be limited space for registrants. Dr. Feeney clarified that preregistration is strongly encouraged and there will soon be a webpage on the Council's website to register. The workshop will be public, and space will only be limited by meeting room size.

Mr. Klyver commented that herring is central to many industries (e.g., lobster, tuna, groundfish, whale-watching) and is a critical ecosystem component. Climate change is an important consideration and the rapid change in the environment, especially in the Gulf of Maine. He recently heard a talk by Dr. Jeff Runge of the Gulf of Maine Research Institute who studies plankton, which herring depend on. Mr. Klyver indicated that Dr. Runge is willing to share his research as appropriate in the Council process, and perhaps he could be invited to the workshop.

Mr. O'Neill is curious about the ecosystem impacts of limiting the catch on herring would be, in terms of what herring eat. Would herring die off? Would there be size changes?

Mr. Weiner cautioned that May is a tough month for attending meetings, but a large meeting space should be reserved. Want AP members to be able to come. Dr. Feeney indicated that the steering committee is working on reserving a large room, and gave a general reminder that the workshop outcomes will be vetted through the AP, Committee, and Council at regular meetings.

## ***OTHER BUSINESS***

### *Georges Bank haddock catch cap accountability measures*

Dr. Feeney asked the AP to weigh in on when a framework should be initiated to consider revising the accountability measures for the Georges Bank haddock catch cap in the herring fishery, a 2016 Council priority. Mr. O'Neill encouraged the Council to do so as soon as possible. Despite the increase in the cap for 2016, he is no more confident about the error associated with the catch estimates due to the limited observer coverage. Given the error, he feels it is just as likely that the cap could be estimated to be reached again. Dr. Feeney indicated that if the Council takes final action by September, it is likely that a framework could get implemented by May 1, 2017. Dr. Cournane concurred, indicating that there is an annual groundfish framework, and that involvement of the Groundfish Committee is likely.

**Consensus Statement:** The AP agreed by consensus that a framework adjustment should be initiated at the April 2016 Council meeting to consider revising the Georges Bank haddock catch cap accountability measures.

### *Next AP meeting*

Dr. Feeney asked the AP to help with scheduling the next AP meeting in late May or early June.

### *IFM Amendment*

Mr. Klyver thanked the staff and IFM PDT for the immense amount of work on the IFM amendment.

### *AP membership*

Dr. Feeney noted that the Committee is filling one AP seat on March 30, and all seats will get reappointed in the fall. She encouraged the AP to have a Vice-Chairman.

## ***ADJOURN***

The meeting adjourned at 4:15 PM.