



## New England Fishery Management Council

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# FINAL MEETING SUMMARY

## Herring Committee

Hilton Garden Inn Logan, Boston MA

September 15, 2015

The Herring Committee met on September 15, 2015 in Boston, MA to: review the Draft 2016-2018 Atlantic Herring Fishery Specifications Package and develop recommendations regarding the selection of final 2016-2018 Atlantic herring fishery specifications (anticipated at the September 2015 Council meeting); review/discuss the Draft Environmental Assessment (EA) for the NMFS-led omnibus Industry-Funded Monitoring (IFM) Amendment and develop recommendations regarding the selection of a ***Preferred Alternative*** for the options to establish IFM in the Atlantic herring fishery; and provide an opportunity for the public to submit scoping comments on Amendment 8 to the Atlantic Herring Fishery Management Plan (FMP).

***MEETING ATTENDANCE:*** Doug Grout (Chairman), Matt McKenzie (Vice Chair), Pete Kendall, Vincent Balzano, Mary Beth Tooley, Jeff Kaelin, John McMurray, Terry Stockwell, Peter Christopher, John Pappalardo, Mark Gibson (11 Herring Committee members present, Pierce absent); Lori Steele, Rachel Feeney, Maria Jacobs (NEFMC staff); Carrie Nordeen (NMFS GARFO staff); Mitch MacDonald (NOAA General Counsel); Chris Weiner (Herring Advisory Panel Chairman); Gerry O'Neill, Meghan Lapp, Peter Moore, Ray Kane, Zack Klyver, JP Bilodeau (Herring Advisory Panel members); Dave Bethoney (SMAST), Erika Fuller, Glenn Robbins, Patrick Paquette, Steve Weiner, Jim Ruhle, other interested parties.

### ***KEY OUTCOMES***

- The Herring Committee reviewed the analyses of the alternatives for the 2016-2018 Atlantic herring fishery specifications and RH/S catch caps and reaffirmed its recommendations for ***Preferred Alternatives***, originally identified at the July 22, 2015 Herring Committee meeting: Alternative 3 as the ***Preferred Alternative*** for the 2016-2018 fishery specifications, with a New Brunswick Weir payback option that would consider landings through October 1 and maintain the current seasonal splits for Area 1A and 1B; and RH/S Alternative 3, Option 2 (Weighted Mean) as the ***Preferred Alternative*** for the 2016-2018 RH/S catch caps.
- The Herring Committee recommended that during the initial discussion of management priorities in September, the Council consider developing a framework adjustment to allow seasonal allocation of the RH/S catch caps.
- Committee members collectively agreed that they are not prepared to make motions regarding the selection of ***Preferred Alternatives*** or the approval of the Draft IFM

Amendment/EA for public comment at this meeting. Many Committee members felt that it would not be productive to take the Draft IFM Amendment out for public comment at this time and encouraged NMFS and the Council to continue to work to find cost-effective solutions to meet the monitoring needs identified for the herring fishery.

Detailed minutes of the September 15, 2015 Herring Committee meeting are provided below.

### ***2016-2018 ATLANTIC HERRING FISHERY SPECIFICATIONS AND RH/S CATCH CAPS***

Ms. Steele (Council staff) provided the Herring Committee with an overview of the Draft 2016-2018 Atlantic Herring Fishery Specifications Document, including the alternatives for the fishery specifications as well as the RH/S catch caps. She summarized the impacts of the alternatives and the related recommendations from the Herring Plan Development Team (PDT). Following the presentation on the 2016-2018 specifications, Chris Weiner, Herring Advisory Panel (AP) Chairman, presented the report from the Herring AP meeting on September 14, 2015 (see September 14, 2015 Herring AP Report for a full summary of the Herring AP discussion and related recommendations).

- Mr. Kaelin asked about some of the data related to the New Brunswick (NB) weir fishery and suggested that the catch-at-age information be explored more thoroughly to better determine the catch composition of the NB weir fishery (between the inshore Gulf of Maine stock component and the southwest Nova Scotia stock component). Ms. Steele agreed to flag this issue for future investigation by the Herring PDT.
- Mr. Paquette (audience) asked some questions about recent participating in the river herring bycatch avoidance program and suggested that bycatch numbers should be continuing to decrease based on continuing participation in this program. Dave Bethoney (SMAST) provided some clarifying remarks. He stated that the avoidance program continues to evolve, and the standards for bycatch events continue to be modified to better reflect the current RH/S catch caps. He also noted that this program was not developed as an experiment, so there is no control group by which to evaluate effectiveness. It was designed as a practical tool to help the industry communicate to better avoid bycatch.
- Ms. Fuller (audience) asked for further clarification regarding participation of the small mesh bottom trawl vessels in the bycatch avoidance program and expressed concern that some vessels may not be participating. Mr. Gibson stated that one of the requirements for obtaining a fishing permit in the state of RI is that the vessel must demonstrate the ability to receive notices from SMAST regarding river herring bycatch avoidance.
- Mr. Ruhle (audience) encouraged the Herring Committee to support further investment into the study fleet and encourage more utilization of data collected by the study fleet.
- Several Committee members asked for more information about the status of river herring runs and trends in river herring surveys (inshore/offshore), if available. Ms. Steele agreed to follow-up on this, to the extent possible, for the final document.

**1. MOTION: TOOLEY/KENDALL**

Recommend to the Council Alternative 3 as the *Preferred Alternative* for the 2016-2018 specifications, including all items as displayed in table 6, p. 14, of the Draft 2016-2018 Atlantic Herring Specifications document; adopting the New Brunswick Weir Payback option that would consider landings through October 1 and maintain the current seasonal splits for Area 1A and 1B.

**Discussion on the Motion:** Ms. Tooley noted that this alternative is expected to have a negligible impact on the Atlantic herring resource while providing stability for the fishery.

**MOTION #1 CARRIED 8-0-2.**

*RH/S Catch Caps*

**2. MOTION: McKENZIE/McMURRAY**

Recommend that the Council adopt RHS Alternative 1 (No Action) for the *Preferred Alternative* for the 2016-2018 RHS Catch Caps.

**2A. MOTION TO SUBSTITUTE: TOOLEY/BALZANO**

Recommend that the Council adopt RHS Alternative 3, Option 2 (Weighted Mean) for the *Preferred Alternative* for the 2016-2018 RHS Catch Caps.

**Discussion on the Motion:** Ms. Tooley referenced the Herring PDT input as the rationale to support this alternative. She reiterated that the PDT stated that the weighted mean approach with a longer time series is the most technically-sound approach to specifying the RH/S catch caps based on recent catch estimates. She added that part of the rationale for the motion to substitute relates to balancing the need to protect the RH/S resources with the need to achieve OY in the Atlantic herring fishery. Mr. Gibson agreed. Mr. Pappalardo expressed opposition to the motion to substitute; he stated that there is currently a prohibition on taking river herring in MA state waters, and he expressed support for first allowing takes in rivers before increasing takes as bycatch, if any increases are warranted at this time at all. Dr. McKenzie agreed and expressed support for the original motion (no action alternative). He also felt that it is premature to change the RH/S catch caps, since 2015 is the first full fishing year under the current caps. Mr. McMurray stated that it would be irresponsible and would send the wrong message to increase any of the RH/S catch caps at this time. Mr. Ruhle (audience) cited recent increases in RH/S abundance from the NEMAP surveys and encouraged the Committee to maximize flexibility to adjust the caps and respond to new/changing information about the resources.

**MOTION #2A TO SUBSTITUTE CARRIED 5-3-2.**

**MAIN MOTION #2A CARRIED 5-3-2.**

Mr. Kaelin asked whether or not seasonal allocation of the RH/S catch caps can be considered at this time. Ms. Nordeen noted that seasonal allocations were not contemplated in Framework 3, so the Council would likely have to develop a framework adjustment to consider seasonal allocations for catch caps in the future.

### 3. MOTION: KAELIN/GIBSON

Recommend that, during the initial discussion of management priorities in September, the Council consider developing a framework adjustment to allow seasonal allocation of the RH/S catch caps.

**Discussion on the Motion:** Ms. Steele clarified that if this motion passes, the Council will consider this framework adjustment as part of the 2016 management priorities with the understanding that Amendment 8 is the current management priority for 2016.

**MOTION #1 CARRIED 7-0-3.**

#### ***OMNIBUS INDUSTRY-FUNDED MONITORING AMENDMENT***

Ms. Nordeen (GARFO staff) presented the Herring Committee with an overview of the herring coverage target alternatives in the omnibus IFM amendment. She also presented an overview of new/additional information and updated economic analyses that are included in the Draft Environmental Assessment for the omnibus IFM amendment. The Herring Committee spent considerable time discussing the alternatives and asking clarifying questions about the analyses.

- Several Committee and audience members asked clarifying questions about the updated/revised economic analyses provided in the IFM document. Many questions related to the application of the cost data and interpreting the results on a fleet-wide basis.
- Several Committee members also asked clarifying questions about the cost estimates provided for portside sampling and electronic monitoring. Many were surprised by the high costs estimated for EM programs and asked for more information. Ms. Nordeen confirmed that the cost estimates provided for the EM options assume that the cameras are running for 100% of the fishing trip, with 100% video review, so they essentially represent the maximum end of the cost range.
- Mr. Grout asked some questions regarding the details of how data collected through IFM programs would be used for management or other purposes. Ms. Nordeen explained that EM would be used to verify retention and qualify the portside sampling data, but she acknowledged that many details regarding data utilization remain to be fleshed out. Ms. Steele noted that it will be very challenging for the Council to determine whether the benefits of the program outweigh the costs without knowing specifically how the data will be utilized.

Following a lengthy discussion, the Herring Committee members agreed that they were not prepared to make motions regarding the selection of ***Preferred Alternatives*** or the approval of the Draft IFM Amendment/EA for public comment at this meeting. Many of the Committee members felt that it would not be productive to take the Draft IFM Amendment out for public comment at this time and encouraged NMFS and the Council to continue to work to find cost-effective solutions to meet the monitoring needs identified for the herring fishery.

### ***OPPORTUNITY FOR SCOPING COMMENTS ON AMENDMENT 8 TO THE ATLANTIC HERRING FMP***

At the end of the meeting, the Herring Committee allowed an opportunity for members of the public to provide scoping comments regarding the development of Amendment 8 to the Atlantic Herring FMP. The scoping period for Amendment 8 was re-opened to provide an opportunity for the public to comment on the expanded scope of Amendment 8. At its June 2015 meeting, the Council approved the following goals and objectives for Amendment 8:

- Goal 1. To account for the role of Atlantic herring within the ecosystem, including its role as forage;
  - Goal 2. To stabilize the fishery at a level designed to achieve OY;
  - Goal 3. To address localized depletion in inshore waters.
- Objective:* Develop and implement an ABC control rule that manages Atlantic herring within an ecosystem context and addresses the goals of Amendment 8.

**Jim Ruhle (herring fisherman, Newport, RI):** I appreciate the opportunity to provide oral comments instead of writing a letter. I would like to offer my views. We have always considered the herring stock to be variable. Dr. Ray Hilborn has stated in his papers that herring stocks anywhere in the world, in the absence of fishing, will experience 50% natural fluctuations anytime anywhere. It's a resource that is capable of doing that. He has quite a few papers documenting that. He is pretty specific about the forage issue, related to marine mammals, in a recent paper. He argues that the majority of fish that become forage for marine mammals are a smaller size and therefore have not entered the fishery and therefore do not impact the biomass. Those aren't my words but his. There is data to support this.

My experience fishing in Area 2 for herring – I don't think you can have localized depletion in an area where you don't have a resident population. That's Area 2. There are no herring there now, and there won't be until mid-December, and they will be gone by April. These are migrating fish that pass through there. It's important to mention 2012, because it was such an anomaly. That is the year we shut down Area 2 in February or early March. Every fish that was caught was caught from the beach out to 3-4 miles. That's it. Traditionally, they are out to 20-30 miles, but the temperatures outside of 3-4 miles were warm enough to not allow any of them to be schooling up there. There was butterfish and dogfish right there. You get a few days of southwest, it would push you to make sure you'd want to be inside of two miles to catch herring. The amount of fish that came down through that narrow strip, all the way from the Cape Cod Canal clear to Long Island, was mind boggling. I had never experienced anything like it. I would pass more fish on my way to set out than I could have even imagined that I could catch, because I was inshore from Newport. There were lobster pots there. I did make a tow. I believed that the fish were going up the Sakonnet River, going up around the island and coming down through the Newport Bridge. I convinced myself of that, because of the abundance of fish I was seeing. I had a day that I couldn't get offshore. I went and set out under the Newport Bridge. Towed six minutes up, picked up the net, towed five minutes back. I had 80,000 clean sea herring. Nearly drifted onto the rocks getting them on the boat, but we did it.

The fact is that when you have environmental conditions that compress a migratory fish to a different area, you can't even discuss localized depletion. It cannot exist in areas where there is not a resident population. There're papers both ways on this one, but with Chesapeake Bay on menhaden, they basically disproved localized depletion to be an issue – in a bay. That's a little hard to argue against, but there're papers out there pro and con. In Area 2 where I fish, there is no such thing as localized depletion. If you get a year like 2012, where everything's pushed in, any kind of restrictions would be arbitrary to achieve OY for that fishery. Thank you.

There were no other public comments on Amendment 8.

The Herring Committee meeting adjourned at approximately 4:00 p.m.