



## New England Fishery Management Council

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## MEETING SUMMARY

### Herring Committee

Holiday Inn, Mansfield, MA

August 17, 2016

The Herring Committee met on August 17, 2016 in Danvers, MA to review plans for next steps related to Management Strategy Evaluation of ABC control rules; review PDT analyses regarding tasking for localized depletion alternatives; briefly review updated info on development of GB haddock AM alternatives; and have an initial discussion of potential work priorities for 2017.

**MEETING ATTENDANCE:** Mr. Peter Kendall (Chairman), Dr. Matthew McKenzie (Vice-Chairman), Mr. Peter Christopher (NMFS/GARFO), Mr. Mark Gibson, Mr. Doug Grout, Mr. John Pappalardo, Ms. Cate O'Keefe, Mr. Eric Reid, Mr. Terry Stockwell, Ms. Mary Beth Tooley, and Mr. Bert Jongerden (Herring AP Chairman). The Committee was supported by Council staff members Deirdre Boelke, Dr. Rachel Feeney; Mr. Daniel Luers, and Ms. Carrie Nordeen (NMFS/GARFO); and Mr. Mitch MacDonald (NOAA General Counsel). In addition, about 10 members of the public attended.

#### **KEY OUTCOMES:**

- The Committee identified an initial range of potential alternatives to include in Amendment 8 to address localized depletion.
- The Committee discussed potential work priorities for 2017, but did not recommend any additional issues for the list of items to consider.

#### **AGENDA ITEM #4: HERRING ADVISORY PANEL REPORT**

Herring Advisory Panel (AP) Chairman Mr. Bert Jongerden gave the AP report from their meeting on August 16, 2016. He reviewed the AP motions by topic.

Key outcomes of the Advisory Panel meeting:

- The AP recommended four motions related to localized depletion: 1) one about the need to define localized depletion with scientific evidence before measures are developed; 2) one about identifying a dedicated research project to define the spatial and temporal extent of localized depletion, and if it exists; 3) one about improving reporting requirements for the commercial tuna

fishery; and 4) a motion that included a specific alternative for the Committee to consider in Amendment 8 (closure of 6 nautical miles in area 114 between June 1 – August 31).

- The AP did not pass any motions related to Framework 5, the haddock AM action.
- The AP passed three motions related to 2017 work priorities including: increase the incidental catch limit of herring after an area closes for vessels targeting mackerel; consider an action to enable herring catch to be shifted from one area to another in-season; and support work on the IFM and EM project in 2017.

### Committee questions of the AP Report

A Herring Committee member asked for more detail about the tuna reporting motion. For example, was the intent to require more spatial information? Mr. Jongerden and staff explained that basic information such as a VTR requirement would be useful to help describe where tuna fishing is occurring and would aid in analyses of localized depletion. Another Committee member asked for a summary of the rationale of the season included in the motion that addressed a potential alternative to address localized depletion (June-Aug). Mr. Jongerden explained that in the summer there is a striped bass fishery, so if the herring fishery is removed from the area it could help identify whether the herring fishery is causing impacts on predator fisheries, or if effort in those fisheries is the issue. However, the Committee member further noted that relatively little herring catch is happening in that area in the summer, so it may not be a sufficient area or season to test whether there is a relationship when the area is relatively lightly fished by the herring fishery overall. Staff added that during the AP discussion of the sunset provision several members noted that areas of high intensity herring fishing activity would need to be evaluated as well. The same Committee member also asked why the AP did not have any motions on the haddock action. Mr. Jongerden and staff explained that the PDT analyses were not ready to support a discussion of new alternatives.

### ***AMENDMENT 8 - MSE – ABC CONTROL RULE***

Dr. Rachel Feeney gave a presentation about the status of Amendment 8 in terms of development of ABC control rule alternatives and detailed PDT analyses of tasking items related to localized depletion. The PDT reviewed updated MSE analyses at the July PDT meeting. Dr. Jon Deroba summarized the outputs available to date and it will be a challenge to summarize all this work. The Council intends to host a second workshop to share these results and solicit more input on the range of control rule alternatives. The Committee did not have any questions or action related to ABC control rule work.

### ***AMENDMENT 8 – LOCALIZED DEPLETION (LD)***

Dr. Feeney reviewed each tasking item related to localized depletion. She reviewed the items covered at previous meetings first, and then summarized the new analyses that have been prepared by the PDT to support the remaining six tasking items. First, Dr. Feeney reviewed the mapping tasking item. These maps are still in draft form and are being developed to include monthly data, but it is available through the GARFO website and staff encouraged Committee members and the public to check the interactive map out.

Second, Dr. Feeney summarized the next tasking item related to herring catch by 30-minute square. A model used to estimate herring landings based on VTR reported catch was used and summarized by month for two separate time periods. Area 114 is the only 30 minute square that has substantial landings, so most of the PDT work focuses on that area only.

Third, staff summarized the work the PDT completed on summarizing herring effort in two distinct buffers from shore, 6 nautical miles and 12 nautical miles. The PDT noted several reasons why it is not possible to evaluate changes in CPUE for this fishery in these discrete areas. Again, catch information was presented by month for two separate time periods and compared to total herring catch in all other areas.

Staff took a break for questions. One Committee member noted that the proportion of herring catch in the inshore areas used to be much larger than the data suggests it is today in more recent years. Another Committee member suggested that the landings data be presented before and after the herring management areas changed in Amendment 1, to get at the issue of the boundaries changing within Area 114.

Dr. Rachel Feeney continued her presentation with the fourth item related to the study fleet and work that is being done on habitat suitability for mackerel. The PDT received some presentations on this work and it was discussed that this modelling effort is interesting, but is not complete for the herring fishery yet and is primarily on vessels in the SNE region to date (Area2) and more recently the MWT fleet in 2013. Next, Dr. Feeney summarized Task #5 on CPUE for charter and recreational striped bass fishing on the Cape. The PDT ran into some data challenges with the MRIP data that prevented the ability to use these data to evaluate whether herring fishing caused depletion and impacted the location of striped bass fishing events. There are an insufficient number of striped bass trips with the MRIP data and commercial herring trips likely co-occurring to the east of Cape Cod to make scientifically robust conclusions about correlations.

Finally, staff summarized the last tasking item related to Bluefin tuna LPUE. The PDT sought assistance with NMFS HMS staff for this task and again, a robust estimate is not possible for either commercial or recreational tuna fishing LPUE under the current reporting requirements. The Chair opened the floor for questions. One Committee member noted that most recreational striped bass fishing occurs in the summer, but if May and September was added it may increase the number of intercepts, but at this point it still may not be enough to be statistically robust and not worth sending the PDT back to do more work on this. Staff explained that the PDT did look at the entire year, and it still was not sufficient. Another Committee member asked about why the impact of dogfish eating bait was the only species noted. Several others at the meeting explained that there are likely other species that eat bait, but many participants have cited dogfish as a major issue.

Ms. Deirdre Boelke presented a handful of slides on the current purpose and need drafted for this action as well as potential alternatives for localized depletion that came up during the scoping process and ideas the AP discussed the day before. Identifying the range of alternatives is expected to take more than one meeting to develop the full range of alternatives and that work can continue through the fall. Following the presentation the Committee initially had a discussion about potentially revisiting the purpose and goal of Amendment 8 to better clarify that measures should address user conflicts between the herring fishery and user groups that depend on local a local supply of herring. The maker preferred that the term localized depletion be struck from the purpose statement and instead focus on user conflicts. However, the Committee motion failed and instead the Committee agreed that the current purpose and goal covers this topic and the measures identified should address these stated user conflicts.

## **Motion 1 – Grout/Tooley**

Modify the purpose and goal of Amendment 8 as drafted in the discussion document to clarify that the second purpose is to: propose measures to address user conflicts between the herring fishery and user groups that depend on a local supply of herring.

**Vote: 2:6:1, failed**

*Discussion on the motion - Committee discussion:* The Chair asked if changing the purpose would require additional scoping. Mr. Mitch McDonald explained that this was discussed previously and at the time it did not appear that there was anything new that was not already covered. In addition, the Council's definition already includes reference to user conflicts so changing the purpose may not be necessary. Documents have included this idea along the way and it does not seem to him initially that additional scoping would be required if changed. Another Committee member noted that the new motion does not change what we are doing, he was concerned with the term "adequate" and "local". The new language still assumes we would need to scientifically define what these terms mean. Another member commented that the herring fishery itself relies on a local supply of herring as well. Another commented that the PDT is not able to determine if LD is happening and instead it is more straight forward to call it a user conflict. Because herring migrate and abundance varies spatially each year we are never going to be able to ensure that herring are found in the same places every year.

The maker of the motion explained that that the motion attempts to identify the businesses that are having user conflicts from efficient herring removals. If there is a better way to define these user groups than localized depletion that is what we should do, maybe remove the term adequate. One member added that the PDT has not determined that LD is not happening, but they do not have the data to evaluate whether it is happening here. There is scientific basis that LD as a premise causes ecological and economic user conflicts; the basis is solid but the data has not yielded clear results yet. Another commented that the Council has discussed this since Amendment 1 and LD as well as gear conflict was cited; let's just leave both in, they are both necessary and have come up in scoping.

*Discussion on the motion - Audience comment:* One member of the audience commented that whether this is real or perceived, there are local abundances of herring and when that is fished down that is a problem for other users. Let's move on and get going identifying measures. Another supported adding this as an additional purpose; the Council has gone around this many times. There are many references about LD and the impacts on the ecosystem and public comments about the economic impacts so let's move forward. Another commenter suggested that we already have approved language, why are we doing this again. The same rationale that existed in Amendment 1 should be used this time as well, similar protections in that action need to be considered farther south as well and not just Area 1A. In addition, MRIP has changed many times over the time period and we do not sample for LD so of course we do not have the data to define whether it is happening or not. Another speaker supported that this can be added to clarify where this action is headed if people think it is needed if it will help focus the alternatives developed.

*Back to the Committee:* One Committee member added that many speakers are referencing A1, but what it really says is that the Council took precautionary action because there was no

evidence of LD. Another Committee member spoke against the motion because it is not clear what it is adding, the Council can still focus alternatives on user conflicts without this language. Another speaker added that he is comfortable taking a precautionary approach again this time, as was done in A1, if we do not have the data to confirm LD is occurring but believe it is still an issue to address.

After the motion failed, the Committee clarified that AP motions are not in the document unless specifically added by the Committee. Therefore, the Committee next considered the motion that was developed at the AP meeting the day before related to a 6 nautical mile buffer in Area 114 between June 1 – Aug 31 to all herring vessels that would include a sunset provision. The maker of the motion noted there are several elements of the motion and they may not all need to be taken together, especially the part about the need to research localized depletion in light of concerns raised about constraints of doing that.

### **Motion 2: Tooley/Christopher**

The Committee recommends the Council include the following in the range of alternatives for Amendment 8: the AP motion that would close waters within 6 nautical miles from shore in Area 114 between June 1 – Aug 31 to all Atlantic herring vessels. This measure would sunset in two years after implementation. During that time the PDT/NEFSC should continue analysis into defining localized depletion and determining whether it exists in the Atlantic herring fishery.

*Discussion on the motion - Audience comment:* One member of the audience commented that this could be part of the range but raised concerns that adding the research element in the motion is a delay tactic. We should define a range of alternative, consider the impacts of alternatives, and then decide what makes sense. He expressed concern that 6nm would not really address the issue because most herring fishing takes place farther offshore. Another commenter opposed the motion at this time and suggested that the Committee should start with a larger range and then decide if this should be added in, and also asked whether the Council is allowed to close state waters in this action, would it only apply 3-6 miles in that case. Another commenter assumed that ASMFC would need to be involved if the closure was going to go to shore, and suggested that some herring tows are longer than 3 miles so this would not do enough and did not think it would work or provide any benefit due to the small scale of the closure.

Another commented that the existing data shows that a lot of fish is caught within 6 miles, we cannot forget about optimum yield. Another speaker supported the motion as an alternative that may diffuse the spatial conflict that is going on along the back of the Cape between a segment of the herring fishery and other users. The state of MA has restrictions on vessel size limits, so there are already some limitations on the vessels that can operate in some of this area already. He further explained that part of this area is 1B and the decision was made to open the area March 1, to reduce river herring catch. This would allow vessels in the area earlier (Jan) and again at the end of the year; in his opinion that timing would work better for that area for gear conflicts, bycatch, and opportunities to fish for other species (i.e. mackerel). Finally, the commenter explained that other measures to reduce user conflicts are used, such as prohibiting commercial fishing on weekends as is used in New Jersey. That could be a potential tool worth including for consideration as well. Another commenter raised concern about the season of this

alternative suggesting that it could increase bycatch of river herring by shifting effort from the summer to the spring, and in particular the fall, when river herring bycatch rates are known to be higher.

*Discussion on the motion - Committee comment:* Mr. Mitch McDonald responded about the ability for this action to consider closures in state waters. He explained that the federal government does not have jurisdiction in state waters (0-3 miles), but it does have authority over vessels with federal permits wherever they fish, so these alternatives could impact federally permitted vessels in state waters. The Committee member from NMFS explained that he seconded the motion because it is a valuable alternative to have on the table, it may not be the solutions and it may get changed over time, but the industry has offered up a solution that they can live with.

### **Motion 2a: Motion to amend: Pappalardo/McKenzie**

Include the alternative described above in Motion 2 with the alternatives below in the range of alternatives the Council include in Amendment 8 (the alternatives below would apply to herring mid-water trawl herring vessels only and the alternative above in Motion 2 would apply to all gears fishing for Atlantic herring)

- A year round closure of Atlantic Herring Management Area 1A;
- A 12 mile inshore closure year round south of Atlantic Herring Management Area 1A (i.e., within Areas 1B, 3 and 2) ;
- A 35 mile inshore closure year round south of Atlantic Herring Management Area 1A (i.e., within Areas 1B, 3 and 2);
- A 50 mile inshore closure year round closure south of Atlantic Herring Management Area 1A (i.e., within Areas 1B, 3 and 2);
- Close 30 min squares 99, 100, 114, 115, 123 year round

*Discussion on the motion - Committee comment:* The maker of the motion explained that he would prefer to start with the January Council motion as well as this AP motion and work on the full list of ideas that have come up together at one time. The seconder commented that this is a better way to approach this, rather than taking action on the AP motion only. Another Committee member disagreed, explaining that the AP motion was not going to preclude others from being added and suggested that this range is not appropriate, it is too broad and would have major impacts on the herring fishery. We can see from the data we have today that 35 and 50 mile alternatives are not feasible for the industry.

*Discussion on the motion – Audience comment:* One commenter spoke in favor of the motion because it provides a full spectrum of reasonable alternatives and added that in terms of not achieving OY, she read one of the objectives of the Herring FMP, which identifies a level of yield that accounts for food production and recreational opportunities taking into account the importance herring has on marine ecosystems. In her opinion, to be consistent with that objective of the FMP this action should include all of the alternatives and select a preferred in the future. Another voiced support for having a full range, suggesting that today is not the day to focus on just one. A subsequent speaker agreed that this motion includes all ideas in one range and would be a fair way to move forward at this stage.

*Back to the Committee:* One Committee member was not clear of the intent behind putting all ideas up together. It was explained that if the Committee did not like a certain alternative it could be removed before the vote. The Chair explained that the PDT could do some analysis and alternatives could be dropped later as well. One Committee member suggested that alternatives 2-5 are for mid-water trawl gear only, and that was clarified in the motion. Another Committee member spoke against the 35 and 30 mile buffer alternatives, how would it work around the islands, and recommended those be struck from the range of alternatives.

**Motion 2b: Motion to further amend: Grout/Tooley**

To remove the fourth bullet from the range of alternatives (50 mile buffer) to be included in Amendment 8.

**Vote: 5:3:1, carries**

*Discussion on the motion - Committee comment:* The maker of the motion believes that the 35 mile buffer alternative is going to do more than enough to have a wide range of alternatives. Fifty miles is well beyond Area 1A distance from shore so we do not need both of those alternatives in the document. He believes the 35 mile alternative could accomplish reducing the user conflicts and at the same time reducing the impact on the MWT fishery compared to the 50 mile alternative. Another member commented that the job of the Committee is to identify a wide range, and it is not our job to cherry pick; he thinks that will happen at the full Council table. These decisions are not binding, but maybe we do not need to get into these details now. Another member disagreed suggesting that it is the Committees job to identify a reasonable range, and the Council will still have the final say. A Committee member commented that 35 miles is also too restrictive, but agreed to support this motion to cover our bases legally etc.

*Discussion on the motion – Audience comment:* One speaker would prefer to have 50 miles in the range, see what the analysis is, and then decide to remove it. But if removing it will keep things going than he could support the motion. Another speaker spoke against this motion because there were many people in scoping that supported 50 miles, 6 miles was not recommended during scoping but it is in the range, so the full range should stay in the document at this stage. Another commenter agreed that if the 50 mile alternative is removed than the 6 mile alternative should be removed as well to be fair, maybe both are ridiculous. He added that seiners are different from small trawlers compared to large trawlers; these closures do not need remove all commercial herring fishing, just the scale of the removals from large industrial trawlers. Another added that a large number of scoping comments supported this alternative so it should be included. And several spoke in favor of the motion, but would prefer that more be removed because some of them were not practicable. Another added that the Amendment 8 scoping process did not mention user conflicts, localized depletion was the concept scoped, the industry did not realize that alternatives about user conflicts would be part of this action until more recently at meetings.

*Back to the Committee:* The Committee member from NMFS reminded the Committee that the final basis for selecting an alternative has to be based on real information on impacts, not whether an alternative is ridiculous or not. Support needs to be developed for an alternative as the Council moves forward. Mr. Mitch MacDonald added that to the extent that there is analysis available, it is important that whatever measures are selected they need to be rationally related to

the underlying information supporting that decision. The PDT has looked into some of these factors (biological, economic, fishery overlap, etc.) to support an action and they have struggled to date. However, user conflict can be addressed and there is support for considering social factors in consideration of OY (NS1). He explained several national standards in particular that could be used to describe user conflicts. For example, NS4 is about allocation decisions and it is all about apportioning opportunities between user groups, so NS4 should inform some of the work that will occur. NS5 will be important to ensure that economic allocation is not the only purpose of these measures. He recommended that as these alternatives move forward the Council should focus on the social objectives, especially because the PDT has been struggling to quantify the biological and economic objectives to date. It is hard to craft alternatives based on whether comments that some are ridiculous and some are not. That could mean there is not support for one, and not support for another, but what is that based on. He expressed some concern that the alternatives need to carefully craft to address underlying problems. He has not yet seen the frequency or magnitude of the issue raised, and he is concerned that these areas get addressed as the process moved forward. He added that it is good the Committee is identifying a range, but he noted caution that the alternatives need to be carefully considered and crafted and supported. This topic is contentions on both sides, and the Agency is going to need to show the final measure is rationally related to the underlying problem that was well defined.

Given the warning from NMFS, one Committee member suggested the range be widened to include to 50 mile alternative. This tension has existed for a long time so let's not take things out, it makes it than much harder to include again at the full Council table. Another member added that the data presented already shows that 75% of all January catch comes out the 12 mile zone. Another member supported leaving more on the table now and plans to oppose the motion to remove the 50 mile alternative. Staff clarified that additional ideas came up during the scoping process than what is in the current motion; this motion is not exhaustive and is a subset of the ideas that have come up.

**Amended main motion as amended:**

The Committee recommends the Council include the following in the range of alternatives for Amendment 8 (#2-#4 apply to mid-water trawl gear only):

1. The AP motion that would close waters within 6 nautical miles from shore in Area 114 between June 1 – Aug 31 to all Atlantic herring vessels. This measure would sunset in two years after implementation. During that time the PDT/NEFSC should continue analysis into defining localized depletion and determining whether it exists in the Atlantic herring fishery;
2. A year round closure of Atlantic Herring Management Area 1A;
3. A 12 mile inshore closure year round south of Atlantic Herring Management Area 1A (i.e., within Areas 1B, 3 and 2) ;
4. A 35 mile inshore closure year round south of Atlantic Herring Management Area 1A (i.e., within Areas 1B, 3 and 2);
5. Close 30 min squares 99, 100, 114, 115, 123 year round.

**Vote: 7:0:2, carries**

**Motion 2c: Move to split: Grout/Gibson**

To split consideration of the sunset clause for the 6 nm closure alternative from the rest of the motion.

**Vote: 6:2:1, carries**

*Discussion on the motion - Committee comment:* The maker of the motion would like to take out the sunset provision and have that option for any of the alternatives, not just the AP 6 mile alternative. The last two sentences of the AP motion could be applied to any of the alternatives (sunset clause while research is conducted on localized depletion). An audience member commented that a sunset clause would not be supported and is not enough time to prove anything.

**Motion 3: First part of amended main motion:**

The area restriction alternatives the Committee recommends the Council include in the range of alternatives are:

1. The AP motion that would close waters within 6 nautical miles from shore in Area 114 between June 1 – Aug 31 to all Atlantic herring vessels;
2. A year round closure of Atlantic Herring Management Area 1A;
3. A 12 mile inshore closure year round south of Atlantic Herring Management Area 1A (i.e., within Areas 1B, 3 and 2) ;
4. A 35 mile inshore closure year round south of Atlantic Herring Management Area 1A (i.e., within Areas 1B, 3 and 2);
5. Close 30 min squares 99, 100, 114, 115, 123 year round.

Without objection it was clarified that a seasonal component could be considered in any of the year-round alternatives above, to be defined later after monthly data available.

**Vote: 7:0:2, carries**

*Discussion on the motion - Committee comment:* One Committee member requested that a seasonal component could be added when more information is available. The Committee agreed without objection to add a clarification to the motion that after monthly data are available, a seasonal component could be added to any of the alternatives.

**Motion 4: Second part of amended main motion:**

The AP motion (6nm buffer in Area 114 for June-August), would sunset in two years after implementation. During that time the PDT/NEFSC should continue analysis into defining localized depletion and determining whether it exists in the Atlantic herring fishery.

**Motion 4a: Move to amend the second part of the amended main motion: Grout/Tooley**

Add a 2-year sunset sub-option to each of the area closure alternatives. The Committee supports research to define localized depletion and whether localized depletion exists in the Atlantic herring fishery.

**Vote: 3:4:2, fails**

*Discussion on the motion - Committee comment:* One Committee member asked how the second sentence would work. What action would it take to eliminate the sunset? Would the Council need to start working on an action to keep the closure in place because of the rule making process? The maker of the motion assumed that a FW would likely be needed to prevent a sunset from happening. Another commented that he does not support sunset clauses in general and is concerned that research is needed on a subject we are having trouble defining. Another agreed that there are many administrative challenges with sunset clauses. He argued that global research already supports the impacts on localized depletion, but this is a field science so there will always be uncertainty in the findings. A committee member suggested some changes to the language that could improve the language (“review of the effectiveness” and “define to what degree LD exists in the fishery” since we are taking action to address LD), but those were not accepted. The seconder argued that because there is no evidence that there is LD in this fishery the language should not be changed.

*Discussion on the motion - Audience comment:* A comment from the audience added again that a research project linked to a 2-year sunset clause is not workable. Another agreed and suggested that if people want to require research the timeframe needs to be longer and it should be set up in the reverse, have the closure stay and lift it if research supports it. Another added that there is no funding to support this, how will this work? This is a research priority, not a management action and should not be linked to a measure; we are never going to be able to fund this. Another commented that a 2 or 3 year sunset makes sense to support adaptive management. The research part can be removed if that is not workable, but the sunset provision should stay. Another speaker added some input about the AP discussion; he felt that the AP did not think anything needs to be done, but they wanted to put something forward. The sunset was added in his opinion because there is a perception something is going on, but research was done that did not get finished. If the fishery is going to lose access to fishing grounds, there should be a scientific basis for it, and that is why the sunset was added.

**Second part of the amended main motion:**

The AP motion (6nm buffer in Area 114 for June-August), would sunset in two years after implementation. During that time the PDT/NEFSC should continue analysis into defining localized depletion and determining whether it exists in the Atlantic herring fishery.

**Vote: 5:4:1, carries with Chair voting in favor**

**Framework 5 – Haddock**

Staff reviewed the status of Framework 5, reviewed the draft purpose and need, and summarized work completed since the June Council meeting. One Committee member asked why the AP did not have any motions related to Framework 5 and staff explained that the PDT needs more time to develop analyses to support development of specific AM alternatives. The Committee did not take any action on Framework 5.

## **2017 Priorities**

Staff reviewed a table with work items expected to spliiover to 2017 as well as items that were discussed last year, but not selected to be 2016 work priorities. In addition, there are a handful of work items that PDT and Committee members are involved in that are not NEFMC Council actions, but do require resources. Finally, staff explained the handful of ideas discussed the day before by the AP.

*Questions:* A member of the audience asked about a previous Council motion in January 2015 related to RH/S stocks in the fishery that had a three year horizon. She asked if that needed to be on the list of potential 2017 priorities before the Council needs to take action in 2018. The Committee discussed that the MAFMC is scheduled to take action on a similar issue in October 2016.

*Committee Discussion:* One Committee member suggested that we add the two items from the AP since this is the phase of adding to the list and prioritization happens later. She explained that there is already a measure in the plan to allow it, but it may not be feasible given the time it takes to happen. She explained that this year has been a real dilemma for lobster bait, and bait is being rationed. She argued that it is critical that we have flexibility in the plan to provide bait. We may need to adjust the wording of the motion, but this is an important issue. We all hope conditions change and vessels can start fishing on GB, but the fishery conditions change each year and the plan needs to adjust. The Committee requested that the PDT investigate what the current rules allow and explain how it would work in-season.

*Audience Discussion:* A handful of speakers spoke against looking at an action to move herring catch from one area to another in-season. Removing move fish from Area 1A is not the answer; many people would be very opposed to that. One speaker explained that many people think that the issue is that GB does not have herring and that is the issue, not concerns about haddock bycatch. One speaker commented that lobster bait is an issue, and because MA is the last place to see fish there would be concern that herring is being exported, we want to be sure fish are staying in the US; can we get data on that? Other speakers added that the fishery needs more flexibility to catch OY. Another added that there is more herring in Area 1A than he has ever seen, and there is lots of haddock mixing with the herring. One speaker commented that in-season transfer of quota from Area 2 could be a problem, because it is a late winter fishery and needs some catch available at the end of the year.

### **Motion 5: Tooley/Grout**

Under 2017 priorities, the Council should consider utilizing its current authority to allow in-season adjustments of herring ACL to shift from one area to another.

#### *Motion withdrawn*

*Committee Discussion:* The maker of the motion explained that this is very important to the coastal communities in Maine and is a high priority. During the discussion it was not clear if a framework is needed or if current authority exists. Because it was not clear the Committee decided to withdraw the motion and requested that the PDT investigate more closely how this

could work. GARFO staff explained that there are regulations that allow for some flexibilities but it has never been done. Another Committee member agreed that we need to better understand the current tools we have and how they would function. Another added that this may not need to be a priority; however, it was also pointed out that it would likely require work by the PDT and Committee since the Agency is not going to just do this separately from this process.

*By consensus, the Committee requests the PDT evaluate what and how the current regulation for an in-season adjustment of herring ACL between areas would work.*

A member of the audience added that the Committee should consider adding offshore spawning as a consideration for 2017 work priorities.

### **Update of Electronic Monitoring (EM) Pilot Program**

Ms. Carrie Nordeen from GARFO provided a summary of the EM pilot program. She provided an update on the status of the project. The total funding of the project was increased and an award was recently granted.

*Questions:* Ms. Nordeen explained that the equipment will be leased, rather than purchased. One speaker asked how many vessels will be involved and the answer is up to twelve. Another asked when the program will begin. Finally, is there a plan for comparing observed trips and EM trips? NMFS explained that the contractor will not be looking at that, but NMFS is planning to. Another commenter asked for clarification about whether EM will be used to enforce slippage; NMFS explained that it will be used to observe slippage, but not to monitor compliance with slippage measures. The Committee requested that updates be provided at each Committee meeting.