



## New England Fishery Management Council

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## MEETING SUMMARY

### Herring Advisory Panel

Four Points - Wakefield, MA

September 13, 2017

The Herring AP met on September 13, 2017 in Wakefield, MA primarily to review draft analyses of ABC control rule alternatives being considered in Amendment 8 and potentially identify preferred alternatives. In addition to Amendment 8, the AP and Committee will also discuss initial recommendations for 2018 work priorities for the Atlantic Herring FMP, as well as discuss if there are any regulations in the Herring FMP that could be eliminated, improved, or streamlined based on recent Executive Orders from President Donald Trump.

**MEETING ATTENDANCE:** Mr. John-Paul Bilodeau, Mr. Doug Feeney, Mr. Bert Jongerden (Chairman), Mr. Jeff Kaelin, Mr. Zack Klyver, Ms. Beth Casoni, Mr. Ray Kane, Ms. Meghan Lapp, Mr. Gerry O'Neill, Mr. James Ruhle, Mr. Dick Huntley, and Mr. Don Swanson. The Committee was supported by Council staff members Deirdre Boelke and Dr. Rachel Feeney; and Ms. Carrie Nordeen (NMFS/GARFO). Peter Kendall the Herring Committee Chairman was in attendance as well. In addition, just under ten members of the public attended.

### Amendment 8 ABC Control Rule

#### 1. **Huntley/Ruhle**

AP Recommends that Alternative 1a (Strawman A) for ABC control rule shape be the preferred alternative (Section 2.1.1.1.1).

*Rationale: This alternative would support the existing fishery.*

Vote: 6:4:0, carries

#### 2. **Ruhle/Huntley**

AP recommends that Alternative 1 for ABC control rule timeframe be the preferred alternative; set ABC at the same level for three years at a time (Section 2.1.2.1).

*Rationale: Performance for the fishery and resource has worked well under this approach, setting ABC at a constant level for three consecutive years. This timeframe allows for more certainty for future markets improving business planning.*

Vote: 6:0:4, carries

**3. Kane/Swanson**

AP also supports identifying Alternatives 4E or 4F as preferred for ABC control rule shape (Section 2.1.1.4).

*Rationale: The public has invested a lot of time working on this subject and these alternatives perform well for many of the metrics evaluated in the MSE. The short-term estimates of ABC under these alternatives are similar to realized catch levels in recent years.*

Vote: 4:6:0, motion fails

**4. O'Neill/Ruhle**

Recommend the Council not rely on results from operating models that use “a biased assessment” when evaluating the potential impacts of ABC control rule alternatives (operating models A, B, E, and F).

*Rationale: Peer reviewed assessments are completed on a regular basis (every six years a benchmark and every three years an update), and adjustments are made if a bias shows up. The AP believes the unbiased results better reflect reality. It was argued there is less need to rely on results from operating models that assume the assessment is biased because in practice the process will adjust and address biases if they are found.*

Vote: 6:3:1, carries

**5. Lapp/Ruhle**

AP prefers any future modification to an ABC control rule be done by Amendment.

*Rationale: Lots of work has been done on this subject in this action and setting a control rule is an in-depth decision. Therefore, more than two Council meetings should be used to consider future changes.*

Vote: 6:2:2, carries

**2018 Priorities**

**6. Kane/Klyver**

AP recommends that the Council consider adding an item to the list of potential work priorities for 2018 to initiate an action to consider Georges Bank (GB) spawning measures AND request the Northeast Fisheries Science Center consider conducting a dedicated survey of spawning herring biomass on Georges Bank and Nantucket Shoals.

*Rationale: This issue has come up for years and we need to protect spawning fish on GB. A survey would help inform the process.*

Vote: 4:6:0, motion fails

**7. Ruhle/O'Neill**

AP recommends the Council consider adding an item to the list of potential work priorities for 2018 to complete an analysis of whether statistical area 521 should be stratified for estimating river herring bycatch catch caps. If this can be added to the 2019-2021 specifications that could be a possible vehicle.

*Rationale: It was recommended that recent observed bycatch rates in the northwest portion of statistical area 521 are substantially higher than the rest of the area. However, the same rate is applied to all herring catch from Area 521. If bycatch rates calculated separately within the area it is possible the herring fishery could land a larger proportion of the TAC for that area and stay within the same RH catch cap.*

Vote: 7: 0: 3, carries

**8. Klyver/Kaelin**

AP recommends that the Council request the Northeast Fisheries Science Center consider a term of reference for the upcoming stock assessment that would evaluate trends in GB herring biomass and spawning stock information (not just stock wide).

*Rationale: If measures are needed to protect spawning fish on GB, an update about the information known about timing, location and amount of spawning fish on GB would be very useful.*

Vote: 6:0:3, carries

**Input on “2 for 1” Executive Orders**

The AP discussed the Executive Order. Several questions came up about what “significant” means, and what “zero cost” means. Are the costs on the government only? A list of potential measures were offered by a few AP members. In general, the list was primarily inspired by identifying measures that have costs for the industry, are overly punitive, and likely create other

problems such as increased bycatch and impacts on the fleet. After the list was completed each AP member voiced if they agreed with the list or not, and the vote was, 6 in support and 4 in opposition.

- Pre landing call-in requirement 6 hours before landing (*Explanation: some trips are less than 6 hours and there is very low enforcement at the dock anyway*).
- 100% observer coverage requirement in all GF closed areas (*Explanation: A lot has changed in terms of the availability of observer coverage (SBRM, IFM, etc.). If observers are not available moving forward then these areas essentially become closures to the herring fishery if waivers are not reconsidered*).
- Slippage requirements should be removed after IFM implemented (*Explanation: after there is more coverage through IFM this requirement redundant, especially the requirement for a vessel to terminate a trip if slippage occurs in a GF closed area. Events occur that lead to slipped catch, but vessels do not go out with the intent to not catch fish. Penalizing the fishery in such a highly punitive way is unfair*).
- 1B seasonal closure (*Explanation: The TAC has not been reached in recent years and there are catch caps are in place to manage bycatch, should allow fishery flexibility to harvest TAC*).
- Operational discards (*Explanation: Operational discards is unavoidable; prohibiting all discards is not practical because it is not possible to get the last bit of fish out of the gear by pumping. This requirement forces vessels to be out of compliance*).
- Area 1A ban should be revisited (*Explanation: This measures has displaced effort and caused problems in other places that maybe have greater costs (i.e. bycatch)*).
- Herring possession limits on non-directed trips limits the mackerel fishery (*Explanation: The 2,000 pound limit on herring is not enough to prosecute mackerel*).