



New England Fishery Management Council

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Thomas R. Hill, *Chairman* | Paul J. Howard, *Executive Director*

MEETING SUMMARY

Joint Herring Committee/Advisory Panel/ASMFC Herring Section

King's Grant Inn, Danvers, MA

May 21, 2003

The Herring Committee met jointly with the Herring Advisory Panel and the ASMFC Herring Section to review the May 1, 2003 Herring Plan Development Team/ASMFC Technical Committee Report and develop recommendations regarding a rollover of the 2003 herring fishery specifications for the 2004 fishing year.

Meeting Attendance: Lew Flagg, Chairman; David Borden, Committee member and ASMFC Section Chairman; Jim Kendall, Dana Rice, Bruce Freeman, Jim Ruhle, Committee members (Mark Amorello absent); Lori Steele, NEFMC staff; Megan Gamble, ASMFC Staff; Hannah Goodale and Eric Dolin, NMFS NERO; Dave Ellenton, David Goethel, Jeff Reichle, Glenn Robbins, Mike Taylor, and Bob Westcott, Herring Advisors; Matt Cieri, ME DMR; Mary Beth Tooley, Bill Quinby, Peter Moore, Billie Schofield, Chris Zeman, Gib Brogan, and several other interested parties.

ASMFC Section Members in Attendance: Lew Flagg, Pat White (ME); John Nelson, Ritchie White, Dennis Abbott (NH); David Pierce, Vito Calomo (MA); David Borden (RI, Chairman); Eric Smith (CT); Bruce Freeman (NJ); Jeff Marston (LEC); David Ellenton (AP Chair).

May 1 PDT/TC Report and 2004 Specifications

Ms. Steele, Chairman of the Herring PDT, reviewed the May 1, 2003 PDT/TC Report. The Committee and Section discussed various elements of the PDT/TC Report, including the results of the recent Transboundary Resource Assessment Committee (TRAC) Meeting. Both a U.S. and a Canadian assessment of the herring resource were presented and reviewed at the TRAC Meeting in St. Andrew's, New Brunswick from February 10-14, 2003. However, the two assessments produced different results, and no overall consensus was reached regarding the status of the Atlantic herring resource. Some Committee members expressed concern because the Canadian assessment does not provide any reference points (MSY, B

incorporated into this year's annual specification process, the PDT/TC recommends that the specifications be rolled over for the 2004 fishing year so that the PDT can begin work immediately on the development of an amendment to the Herring FMP to address these and other issues. Mr. Borden emphasized that the technical issues associated with the TRAC are not going to be resolved at this meeting, and he expressed support for a rollover of the specifications as a conservative approach in the short-term until the TRAC issues can be addressed.

1A. ASMFC SECTION MOTION: David Pierce/John Nelson

Move to rollover the 2003 specifications for the 2004 fishing year.

1B. HERRING COMMITTEE MOTION: Jim Kendall/Bruce Freeman

Recommend rolling over 2003 specifications for the 2004 fishing year and until the implementation of Amendment 1 to the Herring FMP.

Additional Discussion on the Motion: Dr. Pierce walked the Committee and Section through the actual values of the specifications. It was clarified that if these specifications remain in effect until the implementation of Amendment 1, the Council still has the ability to revisit the 2005 specifications in 2004 through the annual specification process. If Amendment 1 is delayed well beyond the start of the 2005 fishing year, for example, the Council could revisit and perhaps adjust the 2005 specifications during 2004.

The ASMFC Section Motion carried unanimously.

The Herring Committee Motion carried unanimously.

The Committee briefly discussed the Herring PDT recommendation regarding the 70,000 mt TAC reserve in Area 2 and agreed not to take action on this recommendation at this time. This issue may be revisited over the course of the fishing year if the Area 2 TAC is caught and the reserve becomes available. The Regional Administrator will consult with the Council anyway before releasing the reserve. In addition, most Committee members agreed that the Council is already taking a precautionary approach by rolling over the specifications for 2004.

ASMFC Herring Section Business

Chairman David Borden reviewed the issues listed on the agenda. The Section approved the summary of the April 10, 2003 Section conference call. Megan Gamble summarized the 2002 FMP Review and noted that the Commonwealth of Massachusetts has not submitted a State Compliance Report for the 2002 Atlantic herring fishery. The Section agreed to provide a two-week grace period to the Commonwealth of Massachusetts. At which time, if a report has not been submitted, the Section will discuss a finding of noncompliance. The Section approved the 2002 Atlantic Herring FMP Review.

Rhode Island submitted a request for an allocation of 5,000 metric tons of the Atlantic herring IWP TAC during the 2004 fishing year. The application indicates that the IWP would operate between October 2003 and April 2004. Mr. Freeman asked Rhode Island to change the request so that the allocation would for the 2004 calendar because this will coincide with the fishing year and the specifications. Chairman Borden agreed that the allocation would be January 1st – December 31, 2004.

The Section added the provision that should the request be approved Rhode Island must put a sanction on the permittee that fish can only come from Area 2. Limiting the harvest to Area 2 would send a message to the Regional Administrator that the operation of JVPs on George's Bank or in Area 3 are not acceptable to the Commission. George's Bank is important to the domestic fishery and can be processed by the shoreside processing plants. Due to the days out provision in Area 1A, Area 3 is a viable alternative for vessels rather than Area 1B where there has not been enough fish present to make fishing worthwhile.

The Section also reiterated the request made last time that applications include a statement on how the IWP operation will benefit the domestic fishery. Some members are opposed to IWP operations because the domestic shoreside processing facilities are now online and can handle the capacity previously taken by the IWP operations. Other members felt that the shoreside plants are able to handle the harvest from Areas 1A, 1B, and 3, but an IWP operating Area 2 would not jeopardize the stability of the shoreside plants. These IWP operations provide an alternative opportunity for the catcher boats in an area where the infrastructure for shoreside processing does not exist and the TAC goes largely unused.

The original intent for IWPs was to provide an avenue for getting an underutilized species on to the market. The IWPs offer a short-term benefit to the catcher boats, but in the long-term the operations are doing harm to the domestic industry because the two are competitive. The labor associated with IWPs is cheaper compared to the plants, meaning the herring processed by IWP are competing on the market with domestically processed herring. When the New Bedford plant comes online in 2004, there may not be a need for the Rhode Island IWP operation. The Rhode Island boats have feasible access to Area 2 and could at that time supply the New Bedford plant.

2. ASMFC SECTION MOTION: David Pierce/Eric Smith

Move to approve the 2004 Rhode Island request for 5,000 metric tons if the harvest is restricted to occur exclusively in Area 2.

The ASMFC Section motion failed (3 opposed, 2 in favor, and 1 abstention).

The Section wanted to send the message to the Regional Administrator that the domestic industry has the capacity to process the harvest from Area 3 and is not the cause for the underutilization of Area 3, therefore JVP operations in Area 3 not necessary and in direct competition with domestic processors.

3A. ASMFC SECTION MOTION: David Pierce/Bruce Freeman

Move to clarify the Commission's intent that the 2004 JVP TAC be allocated to Area 2 only, not Area 3.

The ASMFC Section motion carried (4 in favor, 1 abstention).

3B. HERRING COMMITTEE MOTION: Jim Kendall/Bruce Freeman

That the Council clarify its intent that the 2004 JVP be allocated to Area 2 only.

The Herring Committee motion carried (5 in favor, 1 abstention).

There was some question as to whether or not the previous Herring Committee motion constituted a change to the specifications, which the Committee voted to rollover with no changes. NMFS staff agreed to research this issue and clarify it for the Council discussion on May 22, 2003.

The Section agreed with the Technical Committee's recommendation to use the advice from the NEFMC's Scientific and Statistical Committee's review of the two Atlantic herring assessments that went through the TRAC in February. Massachusetts and Rhode Island each added a representative to participate with the SSC in their review of the US and Canadian assessments (Mike Armstrong and Mark Gibson, respectively).

A request for Advisory Panel nominations went out the states at the end of April. The Commission has not received any nominations and a number of positions remain vacant. The State Directors should send their nominations for the Atlantic Herring Advisory Panel to Commission staff within two weeks.

The Section discussed the development of Amendment 2 to the Interstate FMP for Atlantic herring in order to maintain compatible herring management programs in both state and federal waters. ASMFC could move forward with the development of an amendment by the end of this year and still have it in place by the 2005 fishing year. Staff will schedule a Section meeting within the next few months to discuss the issues related to the amendment.