

**PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
ATLANTIC HERRING SECTION**

**Hyatt Regency Hotel
Newport, Rhode Island
November 2, 2009**

Section Approved: May 2010

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2. **Motion to approve proceedings of August 18, 2009** by Consent (Page 1).
3. **Move to accept the FMP Review** (Page 2). Motion by Bill Adler; second by Pat Augustine. Motion carried (Page 2).
4. **Move that New York be granted *de minimis* status** (Page 2). Motion by Pat Augustine; second by Sen. Damon. Motion carried (Page 2).
5. **Move to postpone approving Addendum II for public comment until the ASMFC Winter Meeting, the week of February 1, 2010** (Page 3). Motion by Terry Stockwell; second by Pat Augustine. Motion carried (Page 4).
6. **Move that Addendum III be moved forward to the public hearing process with two exceptions; one, in Table 1 include the 2008 figures for the number of bottom trawl landings in Area 1A; and, two, that under Section 2.3 a statement be added to the beginning that says the Section may select to implement more than one option** (Page 13). Motion by Douglas Grout; second by Peter Himchak. Second withdrawn (Page 14).
7. **Move to include in Draft Addendum III; one, in Table 1 include the 2008 figures for bottom trawl landings in Area 1A; two, under Section 2.3 add language to allow that the Section may select to implement more than one option** (Page 15). Motion by Douglas Grout; second by Bill Adler. Motion failed (Page 15).
8. **Move to postpone approving Addendum III for public comment until the winter meeting** (Page 15). Motion by Terry Stockwell; second by Pat Augustine. Motion carried (Page 17).
9. **Move to set the herring research set-aside at zero for 2010 through 2012** (Page 17). Motion by Terry Stockwell; second by Bill Adler. Motion carried (Page 18).
10. **Move to elect Dr. David Pierce as Vice-Chair** (Page 21). Motion by Terry Stockwell; second by Pat Augustine. Motion passed (Page 21).
11. **Move to approve three new advisors to the Atlantic Herring Advisory Panel; Dana B. Rice, Sr., and Christian Porter as non-traditional stakeholders; and Philip Ruhle, Jr., as Rhode Island's at-large member** (Page 22). Motion by Pat Augustine; second by Pat White. Motion carried (Page 22).
12. **Motion to prohibit landing until June 1, 2010, with a quota allocation scheme bimonthly or seasonal after June 1st to be set by the section at the winter meeting, February 1, 2010** (Page 22). Motion by Terry Stockwell; second by Dr. Pierce. Motion carried (Page 23).
13. **Motion to adjourn by Consent** (Page 23).

ATTENDANCE

Board Members

Terry Stockwell, ME, Proxy for G. Lapointe (ME)
Pat White, ME (GA)
Sen. Dennis Damon, ME (LA)
Doug Grout, NH (AA)
G. Ritchie White, NH (GA)
Rep. Dennis Abbott, NH (LA)
David Pierce, MA, proxy for P. Diodati (AA)
William Adler, MA (GA)

Ben Mertens, MA, proxy for Rep. Peake (LA)
Mark Gibson, RI (AA)
Dave Simpson, CT (AA)
Pat Augustine, NY (GA)
James Gilmore, NY (AA)
Peter Himchak, NJ, proxy for D. Chanda (AA)
Tom Fote, NJ (GA)

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Staff

Vince O'Shea
Robert Beal

Chris Vonderweidt
Nicola Meserve

Guests

Jeffrey Marston, NH F&G
Patricia Kurkul, NMFS
Harold Mears, NMFS
Bob Ross, NMFS
Bob Sadler, NMFS
Peter Burns, NMFS
Hank Soule, Newington, NH
Janice Plante, Commercial Fisheries News

Warren Doty, Martha's Vineyard, MA
David Cupka, SAFMC
Jeff Kaelin, Cape May, NJ
Mary Beth Tooley, Small Pelagic Group, ME
Chris Weiner, Portland, ME
Ray Kline, Chatham, MA
Bill McWha, DRSFA, CT
Nancy Thompson, NMFS

The Atlantic Herring Section of the Atlantic States Marine Fisheries Commission convened in Brenton Hall of the Hyatt Regency Newport Hotel, Newport, Rhode Island, November 2, 2009, and was called to order at 8:00 o'clock a.m. by Chairman Dennis Abbott.

CALL TO ORDER

CHAIRMAN DENNIS ABBOTT: Good morning, everyone. The first order of business for the day is to approve the agenda.

APPROVAL OF AGENDA

CHAIRMAN DENNIS ABBOTT: Are there any changes to the agenda this morning? Without objection, the agenda is approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN DENNIS ABBOTT: Everyone has had a chance to review the minutes of the last meeting, I presume. Are there any changes to the proceedings of the August 18, 2009, meeting? Without objection, the minutes are approved.

PUBLIC COMMENT

CHAIRMAN DENNIS ABBOTT: Is there any public comment regarding items not on the agenda? No one has signed up. We will take public comment during the meeting.

MR. RAY KANE: Good morning. It will be on the sea herring specifications' package from the August meeting in Alexandria.

CHAIRMAN ABBOTT: Okay, we will be dealing with that this morning in some fashion. At this time I would like to recognize Chris Vonderweidt, who will give us an FMP review.

2008 FMP REVIEW

MR. CHRISTOPHER M. VONDERWEIDT: We've got a lot of stuff on the agenda and I'm going to go fairly quickly to try and get through everything. The FMP Review is on the CD and has all this material in it. The status of the Fishery Management Plan; there are only two management documents out of five that

are being developed that actually fall under the 2008 fishing year.

That's Amendments 1 and 2 for the ASMFC and right now the New England Fishery Management Council has Amendment 1. Since the 2008 fishing season ended in March of 2009, Addendum I became effective; however, it doesn't come into place for 2008. That's the one for days out in Area 1A.

Currently the New England Fishery Management Council is developing Amendment 4. I believe in January the council will send the specifications' package to NMFS and include the final alternatives of Amendment 4. At this meeting today we're going to review Addendum II and Addendum III. Amendments 1 and 2 are the only documents that are in place right now.

The 2008 fishing season; the Area 1A quota was 45,000 metric tons. As you can see, there were a bunch of different – the states of Massachusetts, New Hampshire and Maine convened a number of times to review the days out. There are roughly around two days and then six days at the beginning of October. Then Area 2 of this fishing season – because we're going to be discussing this later on in the agenda – was harvested April 15th. It was not harvested in 2008 in its entirety.

The landings were well below Fmsy as this graph shows. The orange line is the target and the red line is the achieved fishing mortality rate, so you can see that's well below and almost a half in 2008. Individual state landings; Maine and Massachusetts landed the majority of landings in 2008.

The status of the stock assessment; we had a pretty thorough go-through of the assessment the last time by Dr. Matt Cieri. The end result of that is that the stock is not overfished and overfishing is not occurring. The 2008 management measures included spawning restrictions; landings are prohibited after 95 percent of the total allowable catch in an area is taken. There is the implementation of days out; a vessel size limit of 165 feet; and prohibition on directed mealing. That does not include any recreational measures.

State compliance; all states meet or exceed the requirements of the FMP in 2008 with the exception of the Maine Interactive Voice Recording Requirement, which requires fishermen east of Cutler, Maine, to report weekly through the IVR System, which is difficult because the IVR is assigned to vessels and not individuals. They are not

currently complying with that, and I'll go into it in a little bit more detail in a second.

New York requested *de minimis* status. They meet the requirements of less than 1 percent of the coast-wide catch, so the plan development team recommends granting *de minimis* status for the 2009 fishing season. This IVR issue was – first, in the 2007 fishing season, Maine was exempted in 2008 because of an inability to use the IVR System.

At that time there were discussions between NFMS and Maine DMR that NMFS could assign what they call “dummy numbers” to the IVR fishermen and they could call in using the number that was given to an individual rather than a vessel; hence, the name “a dummy number”. They were generating a list; and through contact with Maine DMR they have been unable to implement the IVR Reporting Requirement as of today.

In conclusion, any action would be to discuss the Maine IVR; approved New York *de minimis*; and approve the 2008 FMP Review.

CHAIRMAN ABBOTT: Terry.

MR. TERRY STOCKWELL: Mr. Chairman, I would like to address the IVR Issue. It is still a work in progress with the National Marine Fisheries Service. It is somewhat complicated by the fact that the department submitted a pelagic license to the governor's office last winter, which did not move ahead.

It was a comprehensive monitoring program for all of our pelagic species. It is back in the hopper for this legislative session. We anticipate and hope that our good senator and his colleagues will move it ahead, at which point we'll be able to have a comprehensive monitoring program for all of our pelagic species, particularly herring.

With all that has been going on with the herring specifications and the days-out meetings and all, our staff has been somewhat overtasked. It is our intent to have this operational as soon as possible. 2009 was our goal and hopefully 2010 will be our reality.

CHAIRMAN ABBOTT: I would comment that I hope that your intent is carried out by your state legislators, and I'm sure that we can count on Senator Dennis Damon to take care of that for you. At this time I'd like to step back a moment and welcome with us Mr. Ben Martens who is here today as proxy for Representative Sarah Peake from the

Commonwealth of Massachusetts. We do welcome you to the Commission and I hope you enjoy your time with us. Are there any other questions regarding Chris' presentation on the FMP Review? Seeing none, we need a motion. Bill.

MR. WILLIAM A. ADLER: I would like to make the motion to accept the FMP Review.

CHAIRMAN ABBOTT: Motion made by Bill Adler; seconded by Pat Augustine from the state of New York.

MR. PATRICK AUGUSTINE: May I add to that motion to allow New York to have *de minimis* status? Would the maker of the motion include that or would you like two separate motions, Mr. Chairman?

CHAIRMAN ABBOTT: I would like it in two separate motions. We have a motion made and seconded. Is there any discussion on the motion? Seeing no discussion, is there any opposition to the motion? **Without any opposition, the motion is accepted as offered.** Further motion.

MR. AUGUSTINE: **Mr. Chairman, I move that New York be granted *de minimis* status.**

CHAIRMAN ABBOTT: Motion made by Pat Augustine; seconded by Senator Dennis Damon. Is there any need for any discussion? I presume that you have been granted *de minimis* in the past. Is there any objection to the motion? **Without objection, the motion is passed.** Okay, moving right along, the next order of business would be Draft Addendum II for Section review. Let me comment that we've had some discussions regarding this.

REVIEW OF DRAFT ADDENDUM II FOR PUBLIC COMMENT

I think that the thinking might be that as we're going to be meeting on November 10th in Portsmouth in a joint meeting, that the specifications are still under review, things still to be done, that it would be premature for us probably at this time to move ahead with Addendum II, and we should defer any action to a later date. That is hopefully where we might be, but I would listen to whatever the Section has to say. Terry.

MR. STOCKWELL: Mr. Chairman, I'm certainly in agreement with that and I'm ready to provide a motion if you would like one.

CHAIRMAN ABBOTT: Is there anyone else that would comment on this? Then I guess we'll entertain a motion. Bill Adler, go ahead.

MR. ADLER: All right, the November 10th meeting, that's a joint meeting, I believe, between the Council Committee and the Section. Is it your intention at that time to have a separate meeting with regard to business, with is basically the Section business; is that how it works?

CHAIRMAN ABBOTT: Thank you, Bill, for the question. The intention would be at our winter meeting in Alexandria, that we would then take up the specifications that would hopefully have been decided upon. In January they'll probably publish the numbers for us and then in February we can have the discussion and take action at our winter meeting. Go ahead.

MR. ADLER: If I may, we take action, okay, at the February meeting down in Virginia and setting the specifications for 1A; am I correct in that procedure?

CHAIRMAN ABBOTT: I'll yield to Chris to clarify things for you.

MR. VONDERWEIDT: There is a difference in that at the November 10th meeting we're going to be recommending the specification numbers; and then Addendum II is just the mechanism to set the numbers in future years. The overall TACs; there is no bearing, there is no change in management, kind of the overall scheme of one large quota that will be divided amongst the areas.

It is just changes to acronyms and definitions, so that the plans won't have confusing language in them between the New England Council. They're going back and they're refining the language for accountability measures right now. They are a few other language changes that might happen between now and then.

If we put this addendum forward today, it is possible that we would have different language or potentially different accountability measure language between our document, and we can still set specifications, we can still set the TAC and everything, using our current plan, so nothing is lost, but it is a completely different issue from the actual specification numbers and the risk analysis and all those things on November 10th.

CHAIRMAN ABBOTT: Okay, Terry.

MR. STOCKWELL: I move to postpone approving Addendum II for public comment until the ASMFC Winter Meeting, the week of February 1, 2010.

CHAIRMAN ABBOTT: Motion made by Terry Stockwell from Maine and seconded by Pat Augustine from New York. Do we have any discussion on the motion? David Pierce.

DR. DAVID PIERCE: Just to reflect on the opinion of the Herring Advisory Panel, I assume that they have expressed their views regarding this particular action, the suggested postponement, and that they're supportive of it?

MR. VONDERWEIDT: Yes. I believe staff is going to pass out the advisory panel meeting summary. We waited until after the joint section/committee meeting to hold that meeting, and they recommended postponing until we know what is going on. If that hasn't been handed out, it is probably going around right now.

DR. PIERCE: So if we were to adopt this motion, then we would, in February, decide to take it out to public hearing; is that the strategy? We would be postponing when the hearings will be held on this document. Hearings will be held sometime in March, maybe, which would mean we would implement it sometime in April or May, I suppose?

CHAIRMAN ABBOTT: Correct.

DR. PIERCE: Is that the anticipated scheduling? Okay, fine enough. Then the delay in having this document adopted until May or so would not have any impact on how we do our business in 2010?

MR. VONDERWEIDT: Yes, that is correct.

CHAIRMAN ABBOTT: Ritchie White.

MR. G. RITCHIE WHITE: Following up on Dave's thinking; does that mean that fishing will be open in 1A up to the approval of this addendum?

MR. VONDERWEIDT: Yes, that is correct. The difference between going forward and not going forward would be that the specifications – if we did not go forward, that the specifications in 2010 would be called a "total allowable catch" and there would be an overfishing limit – or overfishing level would be set to the annual catch limit; or, if we move forward there would be a sub-ACL instead of a TAC. The only change is the names given to the quota and the amount of herring that can be landed.

CHAIRMAN ABBOTT: Followup, Ritchie?

MR. R. WHITE: Does that mean, then, that there would be no restriction on landing days January to May or from the first of the year until adoption of this addendum?

MR. VONDERWEIDT: No, actually Agenda Item Number 9 is the quota allocation.

CHAIRMAN ABBOTT: Is everyone clear on that point? Further comments? Being no comments, do we need to caucus on this? No need for caucus, I will ask for a show of hands on this. I'll read the motion: move to postpone approving Addendum II for public comment until the ASMFC Winter Meeting, the week of February 1, 2010. Motion by Mr. Stockwell; seconded by Mr. Augustine.

All those in favor of the motion raise your right hand, 7; all those opposed; null votes, abstentions. **The motion carries; 7/0.** The next order of business, Draft Addendum III for Section Review. I recognize Chris to give us an overview.

REVIEW OF DRAFT ADDENDUM III FOR PUBLIC COMMENT

MR. VONDERWEIDT: The motion to approve Draft Addendum III – I'm just going to go in the order of the addendum. It's only about six pages long – is to address the reduction in landings that small-mesh bottom trawl vessels have had under reduced landing days in 2008 and 2009 as a result of days-out measures.

As part of that motion there were four concrete options and then a fifth option to give the plan development team, AP and TC a chance to include other options that might accomplish what the goal of the motion was, and that is to lessen the reduction in landings for the small-mesh bottom trawl.

The first of those is a fixed percentage of Area A1, which would be based on historical landings. The second would be a fixed amount of Area 1A, and this would be similar to the west of Cutler 500 metric ton set-aside, and that as well based on historical landings. Then under both of those are sub-options. The first one would be you could land a bycatch allowance of 2,000 pounds per day, which is the current allowance during spawning closures during a day out. Once 95 percent of the TAC in an area has been harvested, all vessels and everybody can still land 2,000 pounds per day as a bycatch allowance, so it is a little bit less restrictive.

Then Number 4 would be the small-mesh bottom trawl or the C and D federal permit holders could land in excess of 2,000 pounds and then other measures as recommended by the PDT, technical committee and the advisory panel. The introduction is just this would propose modifications to Amendment 2 to allow small-mesh bottom trawl vessels to land herring on days out of the fishery in Area 1A.

The statement of the problem is in 2008 and 2009 days out were severely restricted and cut back to about five days out, two landing days. Some of the larger vessels have a refrigeration system where they can fish for two or three days before a landing day, so two landing days might actually be five fishing days for these vessels, but the smaller vessels that don't have refrigeration two landing days is two fishing days.

These vessels may have been negatively impacted by these days-out restrictions because they can't get those extra fishing days for a landing day, and as well these vessels were providing bait to bait dealers because they would catch a little bit throughout the week, so just fishing a Monday or a Tuesday doesn't really work for these vessels, but they would want to catch on like Monday, Wednesday, Friday to spread out the herring supply to lobster fishermen and the associated communities.

For the background, days out is the fishing effort control of our management plan and is designed to extend the total allowable catch so industry can set business plans and there is a steady supply of bait for other industries and other fisheries. Once on a non-landing day or a day out, you can't land in excess of 2,000 pounds, which is a bycatch allowance on a day out, and there have been significant reductions in landings' days since 2006, coinciding with a dramatic drop in the total allowable catch.

This is on Page 3 of the addendum, if you can't see it in the back, but the message here is that in 2005 and 2006 we had 60,000 metric tons in Area 1A, and the restrictions were two days out, and then around 2008-2009 it is 45,000 metric tons, so that is a significant decrease in the quota. The Section convened six times in 2008. It was around one or two landing days. That includes a two-week closure in September; then in 2009, right around five days out. If you want to really study that, it is on Page 3.

In developing this addendum there were some pretty serious constraints. Number one is that there is no historical data of these vessels, of the small-mesh

bottom trawl vessels or the C and D permit holders. C is the incidental catch limited access permit, and you can't get one of these permits unless somebody else gives that up. It's a maximum of 25 metric tons. D is open access, meaning anybody can get it, and it's a maximum of three metric tons.

Both of these are incidental catch permits. To look at the landing history of just these permit holders, they were only implemented in the middle of 2007, so there are no real historical numbers there. The only way to get historical data would be to look back at the individual vessel's history, which means you need to have confidential access to the data, which I personally tried to get and could not.

The members of the plan development team and technical committee who would be able to do this analysis, one of which is sitting to my right, just don't have time right now. There is the specifications' package and the associated risk analysis. There is Amendment 4. Everybody is swamped and there is no way that they had time to do this.

As a result we're kind of unsure of what the impacts of some of these measures might be. Will there be more permit holders or that dormant permits will become active; what is the historical landings' numbers, because we don't really know what that is. Also, there is a question about how to define a small-mesh bottom trawl. Basically, in New England it is defined as exemptions from other fisheries – large-mesh fishery FMPs.

And so there is no small-mesh bottom trawl vessel is defined as – so it seems the most reasonable to define it as using stretch mesh less than six inches. There are some vessels and some restrictions that pertain to eight-inch stretch mesh. We figured that six might be more appropriate, but I would like to put that caveat in if for some reason it's less appropriate than eight inches.

There are a lot of constraints here and there is some data that we don't have that would be helpful to accomplish this. In generating the options, you will remember that part of the motion was to have a fixed amount and a fixed percentage. Both of these were based on historical landings. We couldn't get those and we don't know what that is.

Instead this addendum proposes a mechanism that the Section could set aside a percentage or set aside an amount of the Area 1 total allowable catch, but we don't know what that number might be, so the first

two were kind of meshed into one. Then within that there is a 2,000 pound bycatch allowance after that small-mesh bottom trawl quota has been harvested; or, once that quota has been harvested landings are prohibited.

Option 3 is that the C and D and small-mesh bottom trawl vessels can keep a maximum of three metric tons. This three metric tons is the current allowance of the D permit open access incidental federal permit. Number 4 would be 10,000 pounds for the C and D and small-mesh bottom trawl, so that is taking the 6,673 metric tons and just increasing it a little bit.

As Part 5 of the motion included the technical committee and the plan development team would provide input on the options and help to or try and hone in on or, you know, create new options, it's essentially the same exact group of people in the technical committee and the plan development team, so there was just one conference call.

The recommendations here were to wait until after the 2010-2012 specifications. They felt that knowing what the final TAC would be is important to determine what a quota or a trip limit might be. This also factors into the management risk, which we're going to get into on November 10th, but that risk to the inshore component of the stock. If postponing, the PDT can get historical landings after we're finished with the specifications and Amendment 4. There were also some concerns about river herring bycatch.

Moving forward to what the advisory panel said, they were divided on this issue. Four members wanted to wait for the specifications. The task was to develop options or provide improvements to the current options, but I think recommendations on this addendum kind of got into the mix, so that's why there is a little bit more than what the motion included.

Four of the members wanted to wait until after we've got the specifications, after we know what the Area 1A total allowable catch or sub-ACL will be. They felt that there is too much uncertainty right now. We need more information. There is a possibility for significant decreases in the amount of herring which would increase the price and may cause some of these dormant permits to become active or it might attract new fishermen to get a D permit.

One member cited that in 2007 there were 2,558 D permits and 44 C permits. There were two members who were in favor of moving forward. They feel that

they have been significantly restricted and that now is the time to move forward or they're going to go out of business. They commented that the permit numbers are misleading. This fisherman has a 30-year history in the fishery.

He only is in an eight-week season and that is because he fishes from Ipswich Bay to Portland, Maine using a raised foot-rope trawl, and current federal regulations prohibit him from landing until July 15th, and then the spawning closures begin September 20th, so that only really gives him an eight-week season, so the season isn't long enough.

He also pointed out that it is an extremely labor-intensive fishery where these fishermen are literally shoveling herring into buckets, carrying the buckets over to pickup trucks and then dumping the buckets into the pickup trucks, so it's not easy to do, it's not really glamorous, it's not a lot.

These people felt that there is not going to be an influx of effort and that the overall landings are going to be negligible compared to what the directed permit holders are landing in Area 1A. They felt that Option 4, 10,000 pounds, would work for them. One of the members suggested an eight-week seasonal kind of allowance for the fishery, but being that he only fishes from Ipswich Bay to Portland, Maine, there is the other area that is not quite covered.

I was asked to put together a slide of what the next steps potentially would be. One side we've got move forward. We would take the document out for public comment between now and the February meeting; and then in February 2010 the Section would approve or consider approval of the document, and this would grant an exemption before it may be too late according to some of the input we have received.

The second option would be to postpone until we know what the Area 1A total allowable catch would be, which we will know by February or at least we will know what has been sent to the National Marine Fisheries Service. Between now and that time, the technical committee members could look at historical data and they could discern what the influx of effort might be, what the historical effort is.

I think there is also a potential to look at vessel history and maybe grant some permits to people who have been doing it for 30 years that are limited access or you have to meet a certain criteria of history in the fishery, which we couldn't do right now, which might solve some of those problems. That's really the issues in Addendum III. Thank you.

CHAIRMAN ABBOTT: Thank you, Chris, that was a very good presentation. Do we have any comments? I am going to recognize Doug Grout first because I know that Doug brought this forth. I will give Doug the first opportunity followed by Terry Stockwell.

SECTION DISCUSSION OF DRAFT ADDENDUM III

MR. DOUGLAS GROUT: Thank you, Chris and the PDT for the work you put into this. I know your workload is immense right now with not only herring but probably other species. First of all, I want to clarify that Option 4 there, at least the bullet seemed to be a little misleading that it would have a 10,000 pound trip limit for both C and D permit holders. We couldn't do that because D permit holders are limited to 6,667.

What Option 4 provides here is a 10,000 pound trip limit for C permit holders, which currently have a 50,000 pound trip limit. The D permit holders would still be constrained to the 6,667. In general, as you know here, what we're basically looking for here is some way of having the exemption from the days-out management that we have been trying to address here in Area 1A.

Clearly, the vast majority of the landings, this days-out system has worked very well for in constraining it. This is an extremely small portion of the fishery. The maximum that they have landed is about 1.6 percent of the total catch, and that was in 2007. If you look at Table 1 in the addendum, there is some historical data that the PDT was able to provide through 2007.

Then if we add in the information that they provided in the most recent draft of the SAFE Document, we have 2008 landings broken out for small-mesh bottom trawl, and they were 223 metric tons or about 0.5 percent of the catch. We have four years' worth of data in which we could make some decisions on.

I want to also emphasize here that we're not looking to have necessarily a fixed amount of the quota. I fully recognize with our impending specifications here that everybody is going to have some pain to feel here. If we were to move forward with this as an option, my intent would be to have it as some percentage of the 1A quota. It would be either a set-aside; or if the board deemed it necessary, be either a percentage or a set-aside or a fixed quota.

This is something that, again, we didn't realize was going to happen when we started working with days-out. When we were at five landing days back in 2007, it wasn't a problem for these folks. They were able to land five days a week; but when we constrained them to two days a week, they don't have big holds, they have to sell what they catch during that day that they land, so they need to go out several days a week to make this business work.

It is a small fishery. As has been pointed out, this fishery takes place in the Ipswich Bay Whiting Exemption, which they cannot start fishing until July 15th. Because of the Massachusetts/New Hampshire spawning closure, it is essentially done, other than small bycatches, by the third week in September. That's why, if you've looked at the SAFE reports, that 97 percent of their landings, when we have broken it out by months, occur in July, August and September.

It is a summer fishery; it's not a fall fishery. That also means that there will be less bycatch with river herring at that point. With one exception, I would like to move this forward at this point. One of the concerns that I had with the way the addendum was written – and I'm prepared to make a motion here. The way it is written it sounds like we have to choose one of the three options here, and I think that it would be very important to have an option where we could choose more than one.

For example, I think we might need to have both a trip limit and some form of a set-aside or quota if we wanted to go in that direction. Mr. Chairman, if you would be willing, I'm willing to make a motion right now to add a line under Section 2.3 that would say, "The Section may select to implement more than one option." If I can get a second to that –

CHAIRMAN ABBOTT: Just a moment, before we accept a motion and a second, I think that for my benefit it would be beneficial if we continued the general discussion and then we'll get back to making motions. It is my desire that as you have done very well as you make the case for this addendum; and then as we finish making the case, then if necessary we will make motions. Are you finished?

MR. GROUT: Yes.

CHAIRMAN ABBOTT: A question I would have to you, which is an obvious one, it is obvious that the previous actions taken in establishing days out has truly disadvantaged this small amount of fishermen?

MR. GROUT: Yes.

CHAIRMAN ABBOTT: Okay, Terry Stockwell.

MR. STOCKWELL: I am very supportive of this addendum in principle, but I think taking action to move it ahead today before we have gone through the specifications' process would be way ahead of itself. In response to someone in the AP, everybody in the Herring Fishery is significantly restricted and in jeopardy of going out of business.

The upcoming specifications' package is going to be messy. The Area 1A TAC is going to be reduced by probably at least 50 percent. There is sound reason given by the TC to delay to the February meeting. There is a divided opinion amongst the AP. I believe that we need to have the TC go through the issues, come back to us with better information, and let's move this ahead at the February meeting.

The timing will work so we can still have it in place for the 2010 fishing year, which I think is our goal, and we can do something that works well for the small guys and do something that works well for the resource and fishery in general. When the time comes, I will be voting – well, I am not supportive of moving ahead at this time and will make a motion to either substitute or amend.

MR. R. WHITE: I also with Doug am supportive of this. I've talked to a lot of these fishermen in person and hear the difficulties that they have been put under, as well as the lobstermen that have relied on their supply of bait throughout the summer that do not have bait storage, and this has been difficult for them as well. I think it is important to put this in perspective. I think looking at a percentage basis; we're only talking about three or four hundred metric tons. I mean it is a couple of hours of a mid-water trawl fishery. It is tiny. I just think that taking the next step of going to a public hearing on this does not decide it.

Let's send it out to public hearing. After hearing the public, at that point we can delay if we feel that we don't have enough information, but least let's take the next step and go forward with this. I just don't see that this is a big issue when we're dealing with such a small tonnage. It is less than the fixed gear in Cutler. It is substantially less. Thank you.

MR. PETER HIMCHAK: Generally I like to stay out of turf wars up in the Gulf of Maine. I just had a comment or a question, really. What is the harm in proceeding with the document? We know that Area

IA is going to be highly reduced. We know everything is going to be scaled back. That doesn't make these particular fishermen that are disadvantaged – they're still going to be disadvantaged at a lower quota.

Considering what we don't know as far as how many vessels, it could be rather enlightening at the public hearings to even uncover more questions on this particular fishery. Does it involve vessels from all three states in the Gulf of Maine? Do we have a good sense of how many vessels we're dealing with? I don't see the harm in proceeding with the addendum, recognizing that everybody is going to feel pain on herring allocations. Thank you.

CHAIRMAN ABBOTT: Thank you for your comments, Pete. Next I had Bill Adler.

MR. ADLER: Mr. Chairman, I'm not opposed to the concept here at all. I do think it is a little confusing here with regard to the difference between this type of a fishery which is, you said, July to September, basically, and it is a small amount. I think that should be supported, actually. But, I didn't know how many boats there were involved in this.

Also, I didn't know that if you wait until February, could this be in place in time that these fishermen could get what they're looking for? I couldn't catch what the monitoring was of how to keep track of this. Maybe there is or is there; I don't know. I think it also needs to be explained, if this does proceed or when it proceeds, with the different types of fisheries that we have here because we've got the regular directed fishery, which is purse seine and mid-water.

We have the weir fishery in Maine. We have got the 2,000 pound allowance for everyone, I think, or whatever. Then we have this idea, so I think it needs to be explained how many different layers of types of fisheries that have here. I'm not opposed to this concept, but I just would like to get a little bit more information on a lot of this stuff. Thank you.

CHAIRMAN ABBOTT: Thank you, Bill. Let's just back up to what you just said. You had some questions; and I think from what I gathered you're interested in finding out the reporting requirements for these vessels; is that true? For that I will ask, if I can, Matt, if he could respond to that.

DR. MATTHEW CIERI: If they are operating as a small-mesh bottom trawl fishery in the whiting closed areas, they have a VTR reporting requirement, which requires for them to report on a monthly basis.

I believe if they have some of the limited category herring permits, they have to report using the IVR System, the Interactive Voice Reporting System. I forget the exact criteria, but I believe at least the C permit holders have to, and I believe D does as well. I would have to check to be sure, but in general IVR reporting.

CHAIRMAN ABBOTT: So the answer is, yes, there is reporting. Bill, is there another specific question that you'd like an answer for?

MR. ADLER: Do we know how many boats there are in this? I understand it is a small operation and it is only between July and September. Do we know how many boats there are, first of all? The second question is if we did –

CHAIRMAN ABBOTT: Excuse me, let's go with the first question.

MR. ADLER: Okay, how many boats?

DR. CIERI: There is roughly about 20 is what it looks like, but that is historically. There is the potential for – as you saw on the screen, there are many more permits that are out there. There is that potential for effort. It is going to have to be constrained, of course, by the number of boats that have that small-mesh exemption.

CHAIRMAN ABBOTT: Thank you. Was there a further question, Bill?

MR. ADLER: If this was to be postponed until a later time and then move ahead, would this be in time or could it be approved in time to take care of this thing? It sounds like it would be because it doesn't start until July. Could we do it in that time and take care of that?

CHAIRMAN ABBOTT: Well, I would answer that would possibly be true, but I would ask a counter question is what would be the benefit of waiting from this point in time to February before we made any further decisions; what would we really gain? We really probably wouldn't know any more than we know now. At least that's my opinion.

MR. VONDERWEIDT: This way we'll know what the specifications might be.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Well, to that point, Mr. Chairman, there is a sense or a statement has been made that it is a relatively small amount of fish and there are about 20 boats involved

in this. My question to either Dr. Cieri or to Chris would be has the impact of this been analyzed and looked at; and if it hasn't, why not?

DR. CIERI: A lot of it comes down to actually time. I mean, for the most part the technical team is pretty much eyeball deep in the specifications' process, risk analysis and the rest of it. This requires a large amount of work; because while there has only been a few historical participants, as you saw there could be up to 2,000 permits that could go to work inside in these particular areas.

And knowing which boats are really truly latent and which boats are sort of on the edge that may go through requires a very large analysis. To a point that I made earlier, the IVR reporting is a requirement for them to report, but it does not break them down by gear type. There is no gear type reporting requirement in the IVR, so you aren't able to identify with that quota monitoring system which boats are bottom trawls and which ones are mid-water trawls and which ones are purse seine.

DR. PIERCE: When Doug first brought this proposal forward a few months ago, I was supportive of having the work done on it, the analyses done, data brought forward so we would have some idea as to what the consequences might be, different options that we would have in this document, but we don't have any of that before us now. Actually, we only have one page.

It is very discomfoting for me to think that we would go to public hearing with one page, page four basically of this document, with no analyses, no description of the pros and cons of each particular option. We have already heard Chris say at the beginning of his presentation that we're unsure of the impacts, where we have no idea of what the impacts would be, I suspect.

We know that they would likely be – well, there would be great incentive for fishermen who have the permits, and many would have permits, to go into this limited fishery. How limited it might be we don't know because we say at the beginning, for example, Option 2, allocate an amount. We don't say how much. There is nothing here for anyone to sink their teeth into.

I wouldn't know how to describe this to the industry if they called me up and asked me what was going to be in this document for them to prepare for to come to public hearing and discuss. It is just so uncertain. I do believe more people will get into this fishery. It

will be an increased directed fishery with small mesh in some areas that are quite sensitive to all of us.

Sure, summertime, if it is primarily going to be a summertime directed fishery with small mesh, I would like to know what the potential bycatch issues are. Would they actually still be fishing after the spawning closure lifts assuming there is any – well, there would be a quota left if there is a set-aside, so they might be fishing in the fall after the spawning closures are lifted in areas where there would be juvenile groundfish.

The technical committee hasn't had the time to work on this. That was made very clear by Chris and just highlighted again by Matt. Although I understand why we're bring this forward, I do understand how the draggers are impacted or have been impacted by our days-out strategy and likely will be impacted in an even more severe way when the specifications for the next year are known, I can't support bringing this forward now until after the technical committee has had a chance to look at this in greater detail.

Otherwise, we have a one-page sheet that goes out to public hearing, no analyses, and frankly that would be embarrassing and I think would undercut our ability to actually implement something that would be responsive to the wishes and desires of those fishing with small mesh or those draggers specifically. It is premature at this time to move this forward to public hearing. It just raises more questions than provides answers.

MR. GROUT: First of all, Matt is correct that there are roughly about 20 vessels. These 20 vessels were roughly the same amount of vessels that have been in the fishery in the recent history that we have information on going back to about 2005. People who have concerns about the latent effort, the number of permits, you all have to keep in mind that the number of permits that are eligible include Southern New England, it includes everything, and we're talking about essentially one area.

This addendum is about fishing in 1A, and so some of those permits – a lot of those permits may be from Southern New England, and it would be highly unlikely that they would have a financial incentive to come up and fish north of the Cape for herring, which is a very low-priced fishery. More than likely when we get to setting specifications, if we are going to include this as an option for specifications, we will be cutting back on the poundage that they can catch.

As far as the concerns about bycatch; again, according to the federal regulations, these guys can't fish beyond the third week in September, so it is a summer fishery and always has been a summer fishery. The only way they can do it is if they are catching 2,000 pounds of bycatch, and that just isn't enough to make it go.

To Terry's point about trying to marry these two together, I understand that we need to bring these into the specification-setting process. I agree with that; we have that for the fixed gear fishery west of Cutler. That's part of the specifications. If we delay this and try to start this in February at the same time that we're putting together the specifications' package, we're not going to know whether we're going to need to set a specification for the small-mesh bottom trawl because we won't know in February when we need to adopt the specifications' package to go out to public hearing whether we're going to include it.

We need to start this now to go to public hearing so that we can decide in February whether we're going to include the small-mesh fishery or not in the specifications' package. If we don't, then we're going to wait three years from now to be able to include these in here, and we need to have this kind of relief for the upcoming fishing year.

We've already disadvantaged these fishermen for two years. We should not wait any longer by trying to delay and marry these two together because I don't know how we're going to include this in the specifications' package in February if we don't even know if we're going to approve this addendum.

CHAIRMAN ABBOTT: Do we have any further comments? Bill Adler.

MR. ADLER: That last comment from Doug is good. The idea of going forward provided the addendum simply says that we're thinking of allowing this little group something and the idea that if we have to set specifications in the winter and we don't even know if we have this little group because we haven't approved having the little group, then that could cause some problems because if we're setting the thing and we don't know if we're going to set aside a little chunk for these people because we don't know if these people have been approved to be into the pack, I believe that is what Doug was trying to get at. Now I'm changing my mind here from a postpone to a go ahead. Thank you.

CHAIRMAN ABBOTT: Thank you, Bill; you always have a way of putting words in there that take us in different places. Ritchie White.

MR. R. WHITE: I'm going to support, if this goes forward, a percentage. I think if you do a percentage, then that alleviates, I believe, a lot of the concern that Dr. Pierce had brought up because if you did a percentage and let's say it was 1.6 percent and let's say that comes out to 300 metric tons, it doesn't matter how many boats – if there are new boats coming into the fishery. It just means they'll catch that 300 tons faster, so the effort isn't going to change.

There is going to be a certain amount of effort to catch that 300 metric tons, and it will be whether they catch it faster or slower. If you have a few boats, it will take them the eight weeks; if you have more boats come into the fishery that are new, they're going to catch it in a shorter period of time. I don't see it as something that is going to affect bycatch or those problems because if you set it on a percentage and it is a low tonnage, then that is going to be the effect.

MR. STOCKWELL: Doug's logic is compelling, but the thought of moving ahead blindly and we're going to figure out the details and the devil in the details later is very troubling to me. We don't have the benefit of the TC's analysis right now, which I think will help shape the right thing to do. We have got a fundamentally different groundfish management plan moving ahead. We don't know what the new effort is going to be from that.

Accepting a percentage or a tonnage or a number at this point is way too premature. I'm signed on to the concept of doing something for the small-mesh fleet and small boat fleet. It's the right thing to do. I don't know what it is right now, and I feel very uncomfortable about moving ahead without more information than I have right now.

CHAIRMAN ABBOTT: Thank you. Terry, let me ask you a question. It is obvious that next year we will be sitting down, as we have in years past, and we will be looking at days out and how we're going to set the fishery. To put these folks back on an even plane, could it not be the position of anyone to do away or significantly increase the fishing days so that these people would equally be advantaged during the summer season?

MR. STOCKWELL: It is a two-edged sword there. The one issue I see about doing away with the days at

sea for this fleet is it then becomes a target. Unlike with the fixed gear set-aside where the fish come to the weirs, the boats go to the fish here. They're going to get whatever it is that we set aside for them. We need to factor that into our planning stage.

I don't have a problem with them going out and working with some sort of quota, but we need more than monthly reporting in order to accomplish that. As you know, we've struggled through the weekly reporting with the bigger boats. The whole thing has got to be tightened up a whole lot more before I have a level of comfort.

We're barely holding our own with the existing fishery, and the number of meeting we have through the course of summer is almost alarming. To add another fishery into it makes sense, but I want to do it smartly. As I said, I'm not feeling I have the tools to do it with right now.

CHAIRMAN ABBOTT: Thank you. Another question I would have for you is if we were to go out for the public hearing process; isn't that also a time for tightening up and making things a little better in the final product?

MR. STOCKWELL: The difference between taking public comment and scoping; so if we went out for scoping, I would agree with you, but we're going out to ask them to make comments on an addendum that from my perspective isn't fully developed yet.

MR. AUGUSTINE: Mr. Chairman, Mr. Grout made a statement about this document actually identifying or creating a group. I'm not sure those are his exact words, but would we not want to craft a statement, if we were to send this out, that would clearly identify that we are creating a spot – we'll call it a sector – for those vessels? Doug, could he elaborate on that, Mr. Chairman?

CHAIRMAN ABBOTT: Doug, would you care to comment?

MR. GROUT: I don't think we're creating a sector. I think just like the Downeast fishermen west of Cutler, we are either setting aside a part of the quota as they do there, or we could actually put a quota on this. It is a very unique group. There are a small number of vessels that are fishing in this whiting fishery here and catching herring, and, yes, they are targeting both herring and whiting in this. It is a place where they can fish with less than 6-1/2 inch mesh in the Gulf of Maine, and there are very few exemptions for that.

CHAIRMAN ABBOTT: Does that answer your question, Pat?

MR. AUGUSTINE: Yes, thank you, Mr. Chairman, that was very good.

CHAIRMAN ABBOTT: Do we have any further comments? Do we have any comments from the public? Mary Beth.

MS. MARY BETH TOOLEY: I think that the advisory panel had a long discussion about this addendum, and the majority of the advisors did not support moving forward with it at this time. Certainly, this one group of fishermen do feel disadvantaged by the current management plan for the fishery, and, quite frankly, everyone in the fishery feels quite disadvantaged by the current management plan.

I understand not being able to deliver product on a daily basis affects your market and it affects our market as well. Lots of people in this industry have had to make adjustments to landing a large amount of fish in a short period of time. We don't have enough trucks, we don't have enough storage. Across the board this is a problem. We're all making adjustments.

People have tried to make the adjustments on islands in the state of Maine. They normally only have storage for a day or two days. They have had to build storage facilities. They have had to make due. This is a hardship for everyone. You have no analysis on what the impact of this addendum will be. There are 44 permits in Category C and over 2,000 in Category D.

What we do know is that if the TAC for Area 1A, the Gulf of Maine goes down, which it is likely to do, highly unlikely that it won't, that the price of bait will go up. This will encourage a new fishery at a time when the directed fishery, historic, dependent year-round fishermen are going to be disadvantaged. You should not move forward without the analysis of what you think those impacts are.

Going out to the public without any information is a disservice to the public, and it is a disservice to those people in this fishery that are dependent on it and have been for many years. Certainly, one small fisherman that we've heard from in New Hampshire, I feel for that person. I understand his problems and his issues. However, we're not talking about him. We're talking about a broader category of people. We're talking about price changing, market

changing, and things will change. You should not go to the public without some analysis for this addendum. It is just simply a disservice. Thank you.

MR. AUGUSTINE: Mr. Chairman, just to follow on to those comments by Mary Beth, what would it take to develop any level of analysis that would give us a little more meat on the bone, so to speak, so we wouldn't find ourselves exposed by going out to the public with such a general document that would only come back and either create more confusion or create more problems in the final analysis. What would it take to create some level of analysis to put some meat on the bones of this?

CHAIRMAN ABBOTT: Thank you. I would say the question you're asking is what would Dr. Cieri and Company have to do to come back and provide us with meaningful information, and I will ask that question of Dr. Cieri.

DR. CIERI: About a month of my time, to be quite frank. That would include going back and merging boats, the VTR data base and the license data base to look at history. It would also mean looking at fishing patterns, popping them into GIS; as well as then going back and pulling all the bycatch information from the observer reports to give you a full feel of what these guys catch and what they catch in addition to Atlantic herring. Incidentally, I have actually got a research grant to do some at-sea observing work on this particular fishery as well. It would take probably about a month of my time.

MR. AUGUSTINE: Mr. Chairman, for a follow-on, well, in light of that, would you be able to dedicate the time to do that?

DR. CIERI: It depends on how soon you want another assessment for Atlantic herring.

MR. AUGUSTINE: That's fair enough, but I would ask the board to make that decision as opposed to me saying let's go ahead with this one, but it just seems to me we're at a point in time where just for the lack – I don't mean to belittle the amount of work it is going to take to do it for the fact we need the analysis, it would seem we would have to evaluate the priority of it in moving this piece forward as opposed to being a detriment to any other work you might have at this point in time.

MR. GROUT: I guess the question would be what does this board need for information? I personally am comfortable with this clearly because I'm looking at this as a decision of whether we're going to allow some kind of an exemption from the days out and

whether we're going to include this in the specifications' package.

If we decide to include this in the specifications' package, to decide how we're going to include it in the specifications' package will take some time by the PDT to put together things. I personally think a very simple way of doing this is to just say we will give them a set-aside or a quota that is a percentage of whatever the Area 1 TAC is set at; so that if it is at 40,000 metric tons, it is one thing. If it is 10,000 metric tons it is going to be considerably less out of this. The point is to try and get out from underneath the days-out requirement for these boats. Because of their small size, it limits what they can do.

DR. CIERI: One thing I did forget to mention; in order to accomplish this and to monitor it, we would have to change the way in which the interactive voice reporting works. Currently they do not report by gear type, so we would have to be able to have some flag that would identify them within the IVR if you were going to do a quota set-aside, for example.

We would either have to identify gear type as a new field in the IVR data base or we would have to flag individual vessel owners because we want to make sure that they were fishing under and for this TAC. We would actually have to change the way that the interactive voice recording system works.

MR. STOCKWELL: Part of my angst about even moving forward with Doug's suggestion of a percentage to the fishery at this point is we have an unknown population of vessels out there, and we may, with the best of intentions, divide up a very small pie so thinly the fishery turns on itself. I don't think we would be doing a service to the resource or the fishery at that point, so to me I think we have the time.

If we make the commitment to move ahead at this point to have something in place for the 2010 fishing year, I know the TC needs the time to get through the specifications process. I think I heard Matt say that we would have this information for the winter meeting at which point we could make a better decision and do something tight that works for the industry, resolve the monitoring programs, have an idea of the capacity of the fleet, and work it within the specifications' package. I'm supportive of the concept, just not the details.

CHAIRMAN ABBOTT: Doug, the last comment, hopefully.

MR. GROUT: The last comment is a question. For the fixed gear fishery west of Cutler that is supposed to report by IVR, we don't know when they report by IVR whether they're part of the whole process in that? We don't know what their landings are until they've submitted their VTRs; is that correct?

DR. CIERI: They have actually started being broken out this year. They are actually broken out now into individuals.

MR. GROUT: So it is something that we could do in the IVR –

DR. CIERI: It actually certainly is something that can be done, but because it is a federal system I would have to work with federal partners and ASMFC would have to work with their federal partners to ensure that they put yet another field in the IVR data base.

MR. GROUT: Certainly, and I think that's a fair thing to strive for. Matt, I've offered this to Chris before. I've got a member of my staff that could help out with any data, whether we do it in the development of this addendum or whether we do it in the development of the specifications' package, that we could help out. Admittedly, with a limited amount of time, I know we're all tight here, but I do have someone that would help if it would help move these things along.

CHAIRMAN ABBOTT: Thank you. Jeff Kaelin, do you have something new to add to this discussion?

MR. JEFF KAELIN: Mr. Chairman, I'm Jeff Kaelin. I'm representing Lund's Fisheries from Cape May, New Jersey. The only thing new I wanted to say is I don't understand why this can't be set aside until February if you're talking about the potential for a summer fishery for this fleet. We all be getting together in May and we could always make a determination even though the majority of the industry is opposed to this, of course, that the fishery could take place in May. There is probably not going to be any fishing until June, anyway, in the Gulf of Maine. As we get through this agenda, we all anticipate that would be the case.

I don't understand why this wouldn't be set aside until February so some analysis could be done after we get the new herring assessment. Matt's time will open up and do it then. Most people are opposed to this. I don't know why we're spending so much time on something that the majority of the industry opposes. It needs to be analyzed. Again, I would

encourage you to set it aside and take final action in May. Thank you.

MR. HIMCHAK: Mr. Chairman, I had one quick question for Dr. Cieri. What new assessment is he working on and that will contain data through what year?

DR. CIERI: There has been some talk about moving up the assessment for Atlantic herring. It is currently scheduled for, I believe, spring of 2012. Prior to that, of course, it being a benchmark assessment it requires, for example, going through and working on the aging discrepancy, which is what my lab is doing internally right now, as well as looking at some other information dealing with fecundity and size at age.

That is work that has been done well prior to a benchmark assessment to get it in the works and get it done. Of course, the more time you end up spending on doing something like analyzing data bases for managers, the less time that gets devoted to actually getting the benchmark work done well before the data workshop process.

MR. HIMCHAK: Mr. Chairman, if I could, I just wanted to dispel, at least in my mind, the impression that we were going to get some kind of revelation that might solve the problem for next week's allocation issue, so we're not.

CHAIRMAN ABBOTT: Good point. I think we have exhausted this discussion. Doug, I will give you just a brief moment.

MR. GROUT: Well, I was going to make a motion.

CHAIRMAN ABBOTT: That is what I was going to suggest. Before you do, I think we have some alternatives. You're free to make whatever motion and you also talked about making a modification to the addendum that would go out. I think that you can either make that motion including that or whatever you would like, but I'll listen to whatever motion you care to make. I'll recognize you, Doug, for making a motion at this time.

MR. GROUT: Mr. Chairman, I'll just include the original concept of being able to select multiple options in my motion. **I would like to move that Addendum III be moved forward to the public hearing process with two exceptions; one, in Table 1 we should include the 2008 figures for the number of bottom trawl landings in Area 1A – we have that information from the specifications – and, two, that under Section 2.3 a statement be**

added to the beginning that says the Section may select to implement more than one option.

CHAIRMAN ABBOTT: A motion has been made by Doug Grout of New Hampshire; seconded by Pete Himchak. Do we have discussion on the motion? Terry Stockwell.

MR. STOCKWELL: Mr. Chairman, this has been a good discussion, but as I have articulated I am not in favor of this motion, and I would make a motion to substitute or would it be your intent that we vote this up or down?

CHAIRMAN ABBOTT: A procedural question; well, I guess it would be our policy to accept a substitute motion. It's not a friendly motion; you're making –

MR. STOCKWELL: I don't think it would be friendly.

CHAIRMAN ABBOTT: We do have a motion on the floor. I think the best way to proceed is to vote this up or down. At that point, depending on the outcome of that, then a substitute motion would be offered. Otherwise, we wouldn't really give Doug Grout's motion an opportunity to be heard. I spoke a little quick. I'm a little new in this Chair compared to my Chair in the legislature, but I would like to have this voted on first. Pat Augustine.

MR. AUGUSTINE: Point of information, Mr. Chairman. Maybe by a show of hands, is one part of this more acceptable to the group; and, two, I was going to suggest maybe we divide this motion rather than starting all over. I guess I would ask you, Mr. Chairman, to ask the maker of the motion whether he felt both of those had to be under one motion or better in two, as opposed to defeating the motion and starting from ground zero with a new motion.

CHAIRMAN ABBOTT: I'm going to ask you to repeat that.

MR. AUGUSTINE: Thank you, Mr. Chairman. If I had my druthers, I would probably go into caucus on the first part of that motion with my neighbor next door here and we would debate that one, but as far as the second one is concerned I think I would say, yes, I would support that. I'm wondering if other board members, because you're saying under Section 2.3 add language to allow the Section may select to implement more than Option 1. I don't know what that means, so clarification.

CHAIRMAN ABBOTT: I'll ask Doug Grout.

MR. GROUT: What it means is we have four options on the table here, and that I personally would like to have the option to choose either individually any of those four options or have a combination of a set-aside or a quota or whatever you want and a trip limit. That was my concern because I think we were boxing ourselves in to not putting both – having the opportunity to do both.

MR. AUGUSTINE: That clarification was excellent, thank you.

CHAIRMAN ABBOTT: Thank you, Pat. I think this is a term that we have been using recently as having things in the toolbox. Further discussion? Terry.

MR. STOCKWELL: I just have a question for Doug. Is your intention, then, should this motion move ahead, that the TC come back to us at the winter meeting with fully baked options or what are we exactly taking out to the industry?

MR. GROUT: We're taking out options to include a set-aside or a quota that would be developed in the specifications' package and/or setting trip limits that could be used with or separately from this, depending on what we make as a decision in February. Again, my concern is that I think if we're going to start an addendum for the specifications' package in February we need to know whether we're going to include something for small-mesh bottom trawls; and if we wait until May or wait until February to start this process, we won't know until May as to whether we need to include something for the small-mesh bottom trawls in the specifications' package.

MR. HIMCHAK: Mr. Chairman, if I'm following Mr. Augustine's logic, then perhaps my second to this motion may have been premature. In other words, I would imagine that administratively you would have separate motions on the options and agree on the content of the document and then have a motion to go to public hearing.

With that, if I'm thinking correctly on that – I'm looking for Pat to nod his head, but he is not looking this way – okay, so I would withdraw my second based on the motion that essentially makes – it looks like it makes two adjustments in the document before approving it for public hearing. **I withdraw the second.**

CHAIRMAN ABBOTT: Okay, we have a withdrawal of the second. Is there anyone else that would like to second or would Doug Grout like to modify his motion?

MR. GROUT: Well, can I see if there is anybody that would like to second this? I think they are part and parcel, but I will be glad to split them if that makes a seconder or people here on the board more comfortable. I think if we're going to move forward with this document we need to have those options in there. The first one is just adding another year's worth of data, which we already have. The second one is just saying we want to have more flexibility in being able to choose things in the document. Is there anybody that would like to –

CHAIRMAN ABBOTT: Doug, I already asked. I didn't see a second so that's why I went back to you to see which direction you wanted to go.

MR. GROUT: Okay, can I then move to split my own motion?

CHAIRMAN ABBOTT: Being you do not have a second for your motion, I think –

MR. GROUT: **Okay, I'll make a motion to include in Addendum III; one, in Table 1 the 2008 figures for the bottom trawl landings in Area 1A** – okay you've got it.

CHAIRMAN ABBOTT: So what you're saying, before we get too bound up here, is you want to vote on modifying the document prior to –

MR. GROUT: Prior to moving it forward to public hearing.

CHAIRMAN ABBOTT: We have a motion by Doug; seconded by Bill Adler.

MR. ADLER: I'll second it, but one more time both of those modifications to the addendum are in this, right?

CHAIRMAN ABBOTT: Well, before we get into a discussion, do you second the motion?

MR. ADLER: Yes.

CHAIRMAN ABBOTT: Okay, do we have any discussion now on the motion? Bill, I'll ask you now to make any comments or questions.

MR. ADLER: Yes, I see it now; both of those suggested additions is what this is saying?

MR. GROUT: Yes, one is adding more information on landings' data that we have; two, it is giving us more flexibility within our document to choose more than one option if we so choose.

CHAIRMAN ABBOTT: Further comments to the motion? Terry.

MR. STOCKWELL: To the motion, this discussion and deliberation is exactly why I supported postponing until February. We're flying blindly right now and just pulling motions out of the air trying to fix something that I think is not ready for prime time.

CHAIRMAN ABBOTT: Thank you; further comments. I think we should be ready for a vote. Do the members need time to caucus? I will read the motion: Move to include in Draft Addendum III; one, in Table 1 include the 2008 figures for bottom trawl landings in Area 1A; two, under Section 2.3 add language to allow that the Section may select to implement more than one option. Motion by Mr. Grout; seconded by Bill Adler. Are we ready for the question? All those in favor of the motion kindly raise your right hand, 3; all those opposed, 3; abstentions, 1. There were no nulls. **The motion fails three, three to one.** Do we have a further motion? Doug.

MR. GROUT: **Then I'll move to move Draft Addendum III forward for public hearing.**

CHAIRMAN ABBOTT: Doug Grout makes a motion to move Addendum III to public hearing. Do I have a second? **Seeing no second, the motion fails;** end of discussion. David Pierce.

DR. PIERCE: I would assume that in light of all the discussion that we have had to date that further development on the addendum would continue?

CHAIRMAN ABBOTT: That would be my impression.

DR. PIERCE: So we would be addressing this issue again in February unless, of course, we need specific action that would give the technical committee further guidance as to how they should proceed on this issue.

CHAIRMAN ABBOTT: That would be my reading, on the February agenda this could be brought up again and we may need some direction to the

technical committee, which I think probably will be forthcoming. Terry.

MR. STOCKWELL: Mr. Chair, I think this should be brought up at the February meeting, so I would make a motion to postpone approving Addendum III for public comment until the winter meeting.

CHAIRMAN ABBOTT: Do we have a second to that motion? Seconded by Pat Augustine. Vince O'Shea.

EXECUTIVE DIRECTOR O'SHEA: Well, there are two things here. Where I thought you were going was whether the technical folks would be able to – what priority you wanted to give the technical folks because you've already heard that there are some tradeoffs in working on this relative to other things that are on their plate. To that I was going to suggest that the Section consider having you coordinate that to give the technical group some cover on deciding whether to work on this or work on the other things they have already been tasked.

The second, with regard to this specific motion, an element about what you just discussed for the last 40 minutes has been the analysis and now it looks like you're considering making a motion committing yourself to deal with this addendum in February not knowing whether that analysis is going to be done. I'm thinking you don't need to do anything other than to give direction to the technical committee and the staff to continue working on this addendum and advise you on it., and we'll put it on the agenda for you to look at again in February. Thank you.

CHAIRMAN ABBOTT: Thank you, Vince. Sitting here for the first time, as soon as the last vote was concluded it was my opinion we were going to go on to the next agenda item and we would be directing the technical committee to do the necessary action as required. Being Chair to me obligates me to listen to my members; and if my members choose to make a motion and I don't see it harmful, I have no problem with listening to that motion.

The technicalities of how we go about tasking Dr. Cieri to react to our actions today we will do following this meeting I think, and we should be able to do that. Anything else? We have a motion on the floor to postpone approving Draft Addendum III for public comment until the February meeting. Any further discussion on the motion? Dave Simpson.

MR. DAVID SIMPSON: To Vince's point, at what point will we weigh the work of the technical

committee to either continue with the assessment or to work on this? It seems we're not ready to even make – as it was pointed out, we're not ready to even decide this yet. I also, through all of this, wonder how this meshes up with what the council is doing and their timetable and not only timetable but this action. Will this stand in isolation to what the council is doing? I think we've got to decide what we need from the technical committee first and then weigh this.

DR. PIERCE: Ordinarily I would say let's not bother with this addendum, let's move it forward, let's give Matt all the opportunity he needs to work on the next assessment. However, the state of New Hampshire, in particular Doug Grout, Ritchie and you, Mr. Chairman, I mean this is an issue that has been extremely important to you. It has come up a number of times. You have worked on this.

I offered up some ideas as to how this could be moved forward to deal with the fishermen who you have attempted to identify that will be impacted and continue to be impacted by the days-out approach that we have used. I guess because of that position that New Hampshire has taken, I'm willing to – it's easy for me to say – I'm willing to certainly have Matt continue to work on this issue with the rest of the technical committee to try to provide us with some analyses of the impacts of these particular options just with respect with New Hampshire's effort.

CHAIRMAN ABBOTT: Thank you, Dr. Pierce. Dave Simpson asked a question earlier about the tie-in with the council action; and from my viewpoint we're moving forward with whatever is going on there in the specification. I think this is entirely separate and we would tie that in later on if it comes to pass, but I don't that there is any more than that. To tasking Dr. Cieri, I'll let him respond.

DR. CIERI: One of the things you guys have to remember is that by next week you'll be starting to make recommendations on what the areas TACs are, and one of the important things is going to be the timing of when fish are removed from Area 1A, and we'll get to that, I'm sure, in a little bit.

By the February meeting you will know what has been recommended by the committee or the council to the regional administrator. You probably will not know what those final TAC numbers are going to be in February, and so you will not know probably what your quota for 1A is going to be by February unless

the regional administrator moves more swiftly than I believe most people think she will.

In which case you're going to be back kind of in the same location where you're looking at a percentage of the quota and those types of things without knowing what the quota actually is. Hopefully, between now and then there can be some analysis done. I might take Doug up on his staff time if his staff has confidential access to the data to at least give you an analysis of what they have done in the past and the number of potential permits that are out there that could utilize this. That might be something that we can get done by February.

CHAIRMAN ABBOTT: To paraphrase what you said, we will be attempting to come up with some further information; and if we don't have better information, we would be still where we are today and probably with the same outcome?

DR. CIERI: Right.

CHAIRMAN ABBOTT: So we will see what is provided to us or if anything is provided to us in February I think is the best we can do. We do have the motion on the floor to postpone approving Draft Addendum III for public comment until the February meeting. Any further discussion? Doug Grout.

MR. GROUT: I would like to ask Matt if you need further guidance as to what kind of information that the board feels would be necessary to make it so that they weren't – as my colleague from Maine said – flying blind here? Do we need to get landings' data back before 2005 for small-mesh bottom trawls?

If so, how far back do you feel comfortable that we need to go for that? Do you need bycatch data? I think we need to give some guidance to the technical committee and PDT as to what kind of information that we feel is necessary to make us comfortable with making a decision on Addendum III?

CHAIRMAN ABBOTT: Well, it would be my opinion that the motion is to postpone it until February. The details of what analysis and what information has to be provided I think could be done amongst you folks that are involved in this technically. That would be my opinion.

MR. R. WHITE: I appreciate Dr. Pierce's comment, but I would like to add that this does not just involve boats from New Hampshire. There are boats also from Massachusetts and Maine that are involved in

this fishery. I guess I would also ask – since this will be delayed, I will look for Dr. Pierce's support.

If we cannot get this done in time, that we do set aside a small poundage that would equate to a very small percentage of the 1A TAC while this is being in process; so if we have to set our TAC and it looks like this is still in process of being approved, that we do set aside a little bit to allow for this if it is approved; and if isn't, then it gets rolled into the general. I certainly will be making that kind of a motion in the future if it looks like we're going down that road.

CHAIRMAN ABBOTT: Thank you, Ritchie, but let's stay to our motion. Doug or Terry, do you have anything to comment before I call for a vote? Okay, we're going to call for a vote on this motion to **postpone**. All those in favor of the motion kindly raise your right hand; all those opposed; null votes; abstentions. **The motion passes five to two.**

Okay, I think that was lengthy enough. We will go on to the next order of business; the next order of business being research set-asides. At our previous meeting in Portland we had a motion about setting the research set-aside to zero, but we realized that at the lateness of day that we had lost our quorum.

2010-2012 RESEARCH SET-ASIDES

The vote I think was three to zero to set it at zero, but we needed four votes, so we decided procedurally that we would discuss it here and have another vote. I'll ask Chris do you have any further comment. Chris doesn't have any further comment. Again, the motion was made to set the research set-aside at zero. Would anybody at this meeting care to make a motion? Terry.

MR. STOCKWELL: **Mr. Chair, I would make the motion to set the herring research set-aside at zero for 2010 through 2012.**

CHAIRMAN ABBOTT: Do I have a second for that motion? Bill Adler seconds the motion. Do we have any discussion on the motion? Seeing no discussion, we'll call the question. All those in favor of setting – go ahead, Dave Simpson.

MR. SIMPSON: If I could just get some comment from the industry so I know where they stand on this.

CHAIRMAN ABBOTT: Thank you for your help. Do we have any comments from the folks in the

public? We'll take Jeff Kaelin first followed by Mary Beth.

MR. KAELIN: I think the industry is in support of this at this point in time. Although obviously the Area 1A RSA is the only one that has been used so far and there has been two years of work done to test the trawl effect on herring activity by the Gulf of Maine Research Institute, that hasn't come out yet. It will be a very interesting study. We're going to set those kinds of projects aside here with the possibly limited quota, so I think I can say that there is very broad industry support for taking this step. Thank you.

MS. TOOLEY: I will keep my comments brief. I agree with what Jeff has stated, and I would like to say that the industry is disappointed at this time to be supportive of this motion. Quite frankly, where we're at now the set-aside doesn't raise enough money to do much of a project. Unfortunately, at this time we do support the motion.

CHAIRMAN ABBOTT: Thank you, Mary Beth. Any further comments from the public or from the board? Seeing none, we will call the question. The motion is to move to set herring research set-aside, RSAs, at zero for the 2010-2012 period. Motion by Mr. Stockwell; seconded by Mr. Adler.

Any need for a caucus? Seeing none, all those in favor of the motion kindly raise your right hand; all those opposed, none; abstentions, none; null votes, none. **The motion passes seven/zero.** Now we will have a little discussion, which will be the discussion of management under the reduced TACs.

DISCUSSION OF MANAGEMENT UNDER THE REDUCED TACS

MR. VONDERWEIDT: This is on the agenda because there was – and actually all three of these bullets under Point 8, but there was interest from members of the Section to discuss what the implications for our seasonal quota management are under the risk analysis that we will be looking at November 10th.

Obviously, there is a hundred percent component of the stock in Area 1A during certain months. During other months it is 50 percent. As you take it based on – this is I think the average from 2000 and 2007. There is going to be associated risk with that under our management system, so it is just up there for discussion and that bullet just kind of summarizes it.

CHAIRMAN ABBOTT: Do we have any discussion here? Pete Himchak.

MR. HIMCHAK: Mr. Chairman, I have a question. It appears that it is premature to come up with a recommendation for Area 1A because of next week's meeting, but then again is this supposed to provide guidance on the seasonal distribution of the quota as opposed to the actual number itself? What does Addendum I actually require?

MR. VONDERWEIDT: It is on Page 3 of the addendum. It is Addendum I that was on the CD. Basically, it allocates the quota. There is an option to prohibit landings before June 1, and then those landings would be spread out June through December based on the 2000 to 2007 percentages. That increases the risk associated with that stock moving the landings to later on in the year.

This addendum requires the Section to set a quota. We're locked into these percentages right now under Addendum I. It's just highlighting that it will have impacts to the associated risk analysis and final specifications because that is the way the quota is going to be distributed unless our management plan changes.

MR. STOCKWELL: Mr. Chair, is it your intention to seek a motion concerning this now or on Agenda Number 9 on the 2010 quota allocations?

CHAIRMAN ABBOTT: Chris says this is just a discussion, and on the next item we will be making motions. Doug Grout.

MR. GROUT: I was just a little perplexed about what item of the agenda we're on because this talks about Addendum I, Area 1A TAC season, prohibiting before June 1 bimonthly or seasonal – yet the agenda item says seasonal quota management and associated risk; west of Cutler fixed gear set-aside; and discussion of days out in Area 2. The thing that is up on the screen, I don't know where it fits in. We're just discussing this one section here. I don't see where is the associated risk?

MR. VONDERWEIDT: To just kind of give background, I was asked by Section members to include these three items on the agenda. Basically, we're looking at very significant reductions in the overall TAC or overall ACL for 2010. That's a fact; it might be higher or it might be lower in certain areas.

What comes along with that are these parts of the management plan that are in place right now. For the seasonal quota management, that's the associated risk that goes with setting those specifications. West of Cutler fixed gear set-aside, right now it is 500 metric tons, and there are Section members who have suggested lowering it a significant amount.

Then the discussion of days out in Area 2, as the Area 2 quota is going to be reduced, that might make the quota get taken prematurely, or it won't last the whole season. Also in 2009 all 30,000 metric tons were taken. These all kind of fall on new impacts of a lower overall quota.

MR. GROUT: Now that I see your next two slides that just got flashed up, I'm a little bit clearer on this. Is there anything concerning the associated risk in Area 1 with when we set our seasons that maybe the technical committee or you can provide to the Section?

MR. VONDERWEIDT: Yes, on the CD there are the options under consideration that the plan development team put together and the associated risk. The idea of putting these on the CD was not to set the specifications today. If you look on the fourth page of that document, the catch is broken down seasonally for Area 1A. Option 4A, all the landings are in July, August, September. Under Addendum I the landings wouldn't be like that. They would be spread out differently. To move forward with these specific options, our management program would spread it out differently than what is proposed.

DR. CIERI: If you keep your seasonal split the way it is now, that reduces the flexibility to move catch from months in the fall to months in the summer. That was going to overall reduce the amount of fish that is going to be available in 1A. That is what it really comes down to. If you want that flexibility to change those so that you can move fish into the summer and potentially have a higher 1A quota or at least to have the ability to look at it, because without changing that seasonal quota, then we can't even look at whether or not you can do that.

MR. R. WHITE: I would also think that the – I would like to see us go to a percentage on the west of Cutler fixed gear set-aside. I don't think they have ever harvested the full 500 metric tons. I may be wrong on that, but I think their average is substantially below that historically. I guess I would like to see that set as a percentage. Where everybody else is going to have to take a pretty substantial cut, I think a percentage is probably a fairer way to go.

DR. PIERCE: Well, regarding the seasonal quota management aspect of our plan, we really aren't in a good position to discuss how we might want to shift those seasons or change what we have in the plan right now because we have not yet met with the Sea Herring Committee of the council to look at the different options that were going to be analyzed by the plan development team regarding what do we want to do in Area 1A versus Area 2, for example?

We're going to be looking at options that will maximize the amount of fish we can take from Area 1A as one option, and the other option would be, among a few others, to maximize the amount of fish taken from Area 2. Once we have those discussions, the section and the committee, and we decide what we want to do, that will pretty much I think dictate how we; that is the section, are going to have to change our plan to accommodate that priority, assuming that the committee and the section can agree on a specific priority.

If, for example, we wish to, at the meeting coming up shortly, maximize the catch from Area 1A, that will minimize the catch from Area 2, I suspect. If we do that, then, glory be, the states of Massachusetts and Rhode Island and Connecticut and New York and New Jersey are going to have to figure out how to deal with days off like New Hampshire and Maine and Massachusetts have done it for the last few years, anyway.

There is a lot that can't be done today because we don't know what our priorities are going to be. We have to set those in concert with the committee. Certainly, regardless of whatever priority we set for ourselves, the situation in Area 1A is going to be rather dire, and I frankly am not sure at this point how the three states, Massachusetts, New Hampshire and Maine, are going to be able to deal with the days off.

If we end up with an Area 1A quota that is around 20,000 metric tons or less, that's going to be a challenge, and I suspect that we're going to have to – well, I don't know what we're going to do. We have to talk about this, certainly the three states, with guidance from the whole section. How are we going to do this when we may need one day of fishing in one week and then two weeks no fishing, and it is going to be a mess? Weather considerations will be of concern to us as well.

That's just an additional twist or complication for our discussions that will deal with seasonal quota management and we will have those discussions after

we, again, set those priorities for 1A or 2 and what it means for Area 3.

CHAIRMAN ABBOTT: Thank you, David. I sense that your laughter really is hiding the crying that is going on. Do we have any other discussions? Now we have three different subjects here, and I don't know how we should go about talking about the other two. We have the 1A issue with the seasonal allocations, and the issue we wanted to discuss was the Cutler issue. I was wondering if Mr. Stockwell, so we could deal with the Cutler issue and put that not to bed but at least have a –

MR. STOCKWELL: Mr. Chair, we deferred this discussion until today from the section/committee meeting a month or so ago. It made sense at that time and it still makes sense today to reduce the fixed gear set-aside by some proportion relative to the drop in TAC that the rest of Area 1A is coming.

As Dr. Pierce just pointed out, there is a wide range of options that we're going to be talking about next week. I don't know if a percentage is correct or is 50 percent, 60 percent, 40 percent correct at this time, I don't know. The concept of it is what I think we need to move ahead with. Our reporting issues, as we talked about earlier today, are getting better, but we're still not on top of them. We have to bear in mind that this fishery is a set-aside. If they don't catch this fish it gets rolled back into the rest of the 1A TAC on the 1st of November.

CHAIRMAN ABBOTT: And what is the converse of that if they catch more than the set-aside?

MR. STOCKWELL: They're still fishing.

CHAIRMAN ABBOTT: Thank you. Do we have any comments or discussion on the Area 2A set-aside? Dr. Pierce alluded that could be an eventuality and I'm not sure how that would transpire. It evolved up in New Hampshire, Maine, and Massachusetts as we manage the Area 1A fishery. Does anything more need to be said about the possibilities of where you might be going in Area 2A? Dr. Pierce.

DR. PIERCE: The other complication for Area 2 is that we are going to have to deal with the bycatch of sea herring in the mackerel fishery. That's of great concern, of course, to Massachusetts and other states; certainly, the Mid-Atlantic states, the Mid-Atlantic Council. When we deal with this issue of days out in Area 2, we will have to factor in how that days out will impact the bycatch of sea herring in the mackerel fishery that would not be impacted by days off. It is

a separate fishery unto itself. That is just something to look forward to in Area 2.

CHAIRMAN ABBOTT: Thank you. Any other board members care to comment on that subject? Seeing none, Jeff.

MR. KAELIN: Mr. Chairman, I'm Jeff Kaelin representing Lund's Fisheries. The mackerel fishery is very important to Lund's and to the boats that work with us in the region, including the boats in Dave's state. We've had a couple of conference calls about the incidental catch of herring in the mackerel fishery and attempted to kind of analyze what the catches look like.

Generally, somewhere between 25 and 50 percent of the tows are mixed herring and mackerel, and we are identifying an annual incidental catch of 10,000 metric tons to sustain the mackerel fishery in Area 2. As we've looked through the matrix that you guys don't have in front of you, there are options that change the existing percentages of TACs that we have now and can benefit both 1A and Area 2.

In Area 2 there is about a 10,000 metric ton fresh herring market for the canneries for food and bait and then another 10,000 necessary to allow the mackerel fishery to continue. We're looking for quota options that put at least 20,000 in Area 2 so the mackerel fishery can continue. We would love to see a 10,000 metric ton set-aside for the mackerel fishery in Area 2, if you want to talk about set-asides. That's one we have discussed amongst ourselves in the fleet. I hope that information is valuable to you. Thank you.

CHAIRMAN ABBOTT: I hope it is valuable to the council. Mary Beth.

MS. TOOLEY: Mr. Chairman, I'm not sure, but I guess I'll start with A, the seasonal quota management and associated risk. I think the one thing that hasn't been discussed as the states consider how to manage on days out for 2010 is the impact of spawning closures. Certainly, this year and the year before the impact of the spawning closures have been quite significant.

Matt has attempted to run analyses based on historic catch that really haven't panned out because of the overlapping spawning closures and their significant impacts. We would like the section to consider that. The advisory panel last year unanimously supported revisiting the spawning closures and the section has yet to do that. I just mention that for your information.

On B, the west of Cutler fixed gear set-aside, it is true that the 500 metric tons have been set aside for that gear type, but the one thing the section needs to note is that if the fishery is closed on November 1, that does not roll back to the fishery. That is fish that are lost to the directed fishery. I think you are going to be considering a lesser amount, and that is the appropriate thing to do given the current set of circumstances.

Then under the discussion of days out of the fishery in Area 2, we haven't really heard any input from the state of Rhode Island, Connecticut, New York, New Jersey. I believe that the FMP calls for the affected states, so those I would assume would be those states that border Area 2 to have some consideration of managing days out. I find it probably is fairly problematic trying to envision how that would work for Area 2 at this point.

As far as doing a set-aside of 10,000 metric tons for the mackerel fishery, there certainly is not consensus within the industry that that is an appropriate amount or that we should have a set-aside for mackerel at this time. I think the industry in general needs to work at minimizing those interactions to the extent practicable. Certainly, it is not possible to do away with that interaction. That is an historical interaction that needs to be considered, but I'm not sure that a specific amount at this time is a consensus amount within the industry. Thank you.

CHAIRMAN ABBOTT: Thank you, Mary Beth. Do we have anything further?

MR. PATRICK PAQUETTE: Patrick Paquette, the Massachusetts Chapter of the Recreational Fishing Alliance, Massachusetts Striped Bass, et cetera. Regarding revisiting spawning closures, if that was to be done I would just ask that it would be analyzed in all directions and not just the easement or moving but also in looking at current more up-to-date data as to where spawning is occurring in the areas, and also leaving the possibility that an analysis may mean that we need increased spawning closures and dates.

I know there is some recent data, especially in Area 3 but also in Area 2, there may be more spawning occurring than has currently been incorporated into management plans. I just want to make sure that if we were to take a look at spawning, that we're looking at it in all directions and not just in one.

CHAIRMAN ABBOTT: Thank you, Mr. Paquette. I can't speak for Matt here. I don't know if he was listening completely, but I'm sure that when they do

their studies of spawning closures, that they do look in, using the term, "all directions" or whatever. Matt.

DR. CIERI: I'm kind of not quite sure what he means by all directions, up, down, sideways.

CHAIRMAN ABBOTT: Mr. Paquette, would you care to clarify?

MR. PAQUETTE: Pardon me, because I'm not a scientist and just sort of a regular guy. What I mean is not just looking at moving areas and dates but also increasing areas or widening dates. We're getting all kinds of reports of spawned herring in the tuna baits. We're getting all kinds of reports. I'm not a scientist, but I read a couple of things in the SAFE report that said some higher numbers had been believed in Area 3 regarding spawning fish that were out there that weren't incorporated. I just want to make sure that if we open up spawning discussions that we're doing it to make science lead us and not politics.

DR. CIERI: Right, briefly, Area 3 is actually a place where we do not have spawning closures; and while we can analyze that, that is something that the regional administrator's office has not approved each of the last two times it has been brought up. The areas that have been chosen within the FMP are areas that are fairly specific, and so the dates and so on are fairly set based around historical catch rates and those sorts of things. I understand that lots of people have said they have seen a lot spawned herring this year. Almost all of that comes from Georges Bank. There has only been 23 tons of herring landed from 1A over the past four weeks.

DR. PIERCE: Regarding spawning closures in Area 3, I suspect that this is an issue that will eventually be raised with the Sea Herring Committee of the council. I think it is time for us to revisit this issue and to engage once again with the National Marine Fisheries Service regarding the merits of it and whether or not, indeed, some of the problems identified by the regional office years ago as to the ability to have a spawning closure in Area 3 to see if, indeed, those problems have been overcome, and we can go in that direction. That's something again for the committee.

ELECTION OF VICE-CHAIR

CHAIRMAN ABBOTT: Thank you, Dr. Pierce. Anything further on this discussion before we move forward? Seeing none, I would like to move forward. At this time I would like to alter the agenda just a little bit at my discretion because there are a couple

of smaller important things that I want to ensure that we don't shove off to the last minute. Let's go Agenda Item Number 10, which is electing a vice-chair. Do I have a motion from Terry Stockwell?

MR. STOCKWELL: Mr. Chair, **I move to nominate David Pierce as vice-chair.**

CHAIRMAN ABBOTT: Do we have a second. Pat Augustine seconds.

MR. AUGUSTINE: **And I move to close the nominations and cast one vote, Mr. Chairman.**

CHAIRMAN ABBOTT: Thank you, Mr. Augustine; you do that so well having had so much practice. We now have a new vice-chair. Congratulations, Dr. Pierce. The next order of business, we'll go to Item 11. Again, this hopefully will give us a little more time and not push other things off when we get back to Item Number 9. At this time I would like to recognize Tina Berger to talk about advisory panel non-traditional stakeholder nominees.

ADVISORY PANEL NON-TRADITIONAL STAKEHOLDER NOMINEES

MS. TINA BERGER: Mr. Chairman, in September a small working group of the Atlantic Herring Section and the Advisory Panel Oversight Committee met via conference call to review nominations for non-traditional stakeholders. We received seven. Of the seven, the working group identified Dana Rice, Sr. and Christian Porter as their nominees for the advisory panel on non-traditional stakeholders.

Both nominees were selected for their expertise in the lobster fishery. David Rice, Sr. is a lobster and herring processor gear with extensive experience in both fisheries, how they're prosecuted and processed. Christian Porter is a long-time lobsterman and member of the Maine Lobstermen's Association Board of Directors. He has a keen interest in the management of the herring resource as a species that serves as the lobster industry's primary bait source.

The working group felt that both individuals would be assets to the Atlantic Herring Advisory Panel and offers you their names for your consideration and approval. Also, on another note, Rhode Island has put forward Philip Ruhle, Jr., a commercial trawler, to fill the state's at-large seat. I present to you those three people for approval by the section. Thank you.

CHAIRMAN ABBOTT: Thank you, Tina, and you might comment that Mr. Ruhle had also applied to us and we did send forward his name to the state of Rhode Island for their consideration. We did look at the seven names very carefully. I think that we had seven excellent candidates. Pat, do you have a comment?

MR. AUGUSTINE: Are you ready for a motion?

CHAIRMAN ABBOTT: I will accept a motion.

MR. AUGUSTINE: Thank you for that excellent work, Tina. I appreciate all your help on this. **Move approval of three new advisors to the Atlantic Herring Advisory Panel; Dana B. Rice, Sr., Christian Porter as non-traditional stakeholders; and Philip Ruhle, Jr., as Rhode Island's at-large member.**

CHAIRMAN ABBOTT: Seconded by Pat White. Any further discussion on the motion? Are we ready to vote? All those in favor raise your right hand; all those opposed, none; nulls, none; abstentions, none. **The motion carries 7-0-0-0.** Now let's go back to Agenda Item Number 9, quota allocation for 2010, and I will recognize Chris Vonderweidt.

QUOTA ALLOCATION FOR 2010

MR. VONDERWEIDT: This one is fairly simple. Addendum I requires that the section set the quota allocation by the annual meeting of each year, and you can set it up to three years. Right now we don't know what the final specifications might be, but the choices are to postpone catch before June; and then also there is bimonthly or there is seasonal quota allocation; seasonal with a split of October 1. Those are the choices.

MR. STOCKWELL: Mr. Chair, there is no doubt that Area 1A is going to have a significantly lower quota in 2010. This last year we started on June 1st and it seemed to work as well as anything else we did. There is no bait market or no significant bait market prior to June 1st. If you're ready for a motion, I have one.

CHAIRMAN ABBOTT: I think a motion would be appropriate.

MR. STOCKWELL: **I would move to prohibit landing until June 1, 2010, with a quota allocation scheme bimonthly or seasonal after June 1st to be set by the section at the winter meeting, February 1, 2010.**

CHAIRMAN ABBOTT: Do we have a second to the motion? Dr. Pierce seconds the motion. Do we have a discussion on the motion? I might have a question. Will we be prepared at the winter meeting to do this?

MR. STOCKWELL: We will have a darned good idea of at least what the section and the committee has recommended to the agency.

CHAIRMAN ABBOTT: Knowing that we will have a darned good idea, we will go ahead. Further discussion on the motion? From the audience, do we have any comments from the public? No comments from the public. Bill Adler.

MR. ADLER: I just want a clarification that the monthly or seasonal decision here is basically the way – is one of the ways, I guess, that we have operated this year with that October split; that is what that includes? Okay, just a clarification; thank you.

CHAIRMAN ABBOTT: My reading of the motion is we will decide whatever we want to do in February, and we will decide how the season will commence following June 1st. Further comments? Ready to move the question? Any need to caucus? All those in favor of the motion signify so by raising your right hand; all those opposed, none; nulls, none; abstentions, none. **The motion carries 7-0-0-0.**

MR. STOCKWELL: Mr. Chair, it was implied on my part, but I didn't know whether or not we should have incorporated in this specific to Area 1A.

CHAIRMAN ABBOTT: Yes, I think the plan says that we have to do this for Area 1A, but your statement is clear on the record, also.

OTHER BUSINESS

Do we have any other business? I am so tickled that we're done before 10:30.

ADJOURNMENT

Do we have a motion to adjourn? Moved by Bill Adler; seconded by everyone. Thank you for your attention.

(Whereupon, the meeting was adjourned at 10:10 o'clock a.m., November 2, 2009.)