

**New England Fishery Management Council  
Atlantic States Marine Fisheries Commission  
Joint Herring Advisors Meeting  
Peabody, MA  
May 13, 1999**

A joint meeting of the NEFMC and ASMFC Herring Advisors was held to discuss the need for a limited entry or controlled access system for the herring fishery in the Gulf of Maine, and to discuss the need for a control date in the herring fishery. Council staff summarized the FMP and noted it was still being reviewed by NMFS. Staff also explained the annual adjustment cycle for herring.

**Introduction**

Dr. Phil Logan, Dr. John Gates, and Drew Kitts summarized recent landings information and some of the management problems that can develop with a TAC based management system. Mr. Kitts explained that the concern in Management Area 1A is that the restrictive TAC would result in an early closure of the fishery if additional vessels entered into the fishery. Possible indicators that more vessels are entering this fishery include:

- The number of vessels requesting a letter of authorization increased from 15 to 19
- The number of vessels averaging 2,000 lb./trip decreased from 54 in 1996 to 41 in 1997, but the number of vessels landing 2000 lb./trip increased from herring in all areas increased from 61 in 1997 to 70 in 1998

Dr. Logan noted that the design of an Atlantic herring controlled access system should consider three objectives:

- Conserve the stock in Area 1A, allowing current participants to continue fishing on a full time basis. Also want those fishermen to move into other areas and exploit other areas.
- Allow vessels in other fisheries to enter other areas.
- Avoid over capitalization - allow some flexibility to harvest large stock sizes.

Dr. Gates reviewed a limited entry system included in the public hearing document. This proposal suggested a two tiered permit system: conservation permits to protect the inshore stock, while development permits would encourage development of the offshore stock. Other elements included transferable DAS. Development permits would be designed to target the resource at large stock sizes, perhaps when a yield above MSY could be sustained. Mr. Ellenton noted he did not believe we would ever be allowed to fish at a level above MSY.

Dr. Logan summarized economic impacts of various management systems. The current herring FMP is likely to encourage a derby fishery and result in pressure to upgrade vessels. While some upgrade limits are in place in other fisheries, Dr. Logan said these have been relatively ineffective in controlling capacity. In general, the current fleet of participants can take the TAC in area 1A. Some of the options are to leave access open with a hard TAC, halt the increase in numbers, or adopt a controlled access system. The important point is that any kind of system can be designed – there can be upgrading restrictions, DAS, different measures in different areas – there isn't any reason to feel bound to the forms of limited entry in other fisheries.

Mr. Kaelin noted the opportunity to address the issue of overcapacity before it becomes a problem – we don't want to get to the point we are asking herring fishermen to be paid not to fish. At the same time, there is a need to develop the offshore fishery. Dr. Logan noted that the question of participation in Area 1A will be determined through a political process, but that in other areas, a mechanism should be developed that encourages fishing in other areas, but "closes the door" at an appropriate time. As another example, there could be four permit categories:

- A permits: Incidental catch permits up to 2000 lb./day. Insulated from days out. Defined for all coastal operations. Open to anyone.
- B permits: Issued based on history of fishing in a given area . A permanent permit with input controls.
- C permits: Issued to anyone. Allows history to be developed in the other areas. When sufficient landings are made those other areas, C permits are retired . Those with the right history will receive permanent B permits in the area. Those without history will receive A permits.
- D permits: Special temporary permits which may be used to take advantage of harvests in excess of the long term TAC. Conditions on number and timing will be determined. Perhaps these permits could be rented, or transferred.

Mr. Ellenton asked what was meant by "renting" a permit. Dr. Logan explained that meant the permit owner could hire someone else, or transfer the permit to another boat. Mr. Robbins noted that his catch had already declined – the shares of the resource were already being divided up. He said historic participants should be guaranteed a full year's fishing. Mr. Kaelin noted the fixed gear fishery had not taken place in recent years and should be considered.

Mr. Calomo spoke in opposition to limited entry because he said the fishery needs to be developed. If there are concerns over rapid catch rates in Area 1A, additional controls on vessel size, gear, or fishing time should be imposed.

Mr. Goethal made the following motion:

**Motion: Recommend to the herring committee/section that they begin developing a limited entry or controlled access system for Management Area 1A while keeping an open access system in Areas 1b, 2, and 3. (Mr. Goethal/Ms. Bichrest)**

In general terms, Mr. Goethal explained the Area 1A limited access system would include a control date, a qualification criteria based on vessel history, and acknowledgment that fixed gear in state waters may need special qualification criteria. A decision on the system should be made in time for the 2001 fishing year. Mr. Ellenton asked what had changed since the public hearings on herring? His preference would be to have the plan in place for a full year before developing a limited entry scheme. Mr. Calomo also poke in opposition to limited entry until the FMP had been in place for a full year. Mr. Robbins and Mr. Mullen spoke in favor of a limited entry scheme in Area 1A; they were surprised people were arguing for an open access fishery – we should learn a lesson from the path taken in groundfish.

Mr. Ellenton said the plan already implemented a TAC that would protect the resource. Any discussion of limited entry in this context should be recognized for what it is – an allocation decision. It is not an effort to protect the resource. Mr. Kaelin concurred that this was clearly an allocation decision that was being made. Ms. Bichrest disagreed, noting that technological

improvements have resulted in more fish being caught and the TAC being reduced.

The advisors discussed some of the specific elements that could be part of a limited entry program. The chair reminded them that they did not need to develop a full-fledged program, but only needed to recommend to the Committee whether development should begin.

Mr. Martin, NOAA GCNER, provided the advisors the following advice:

- Nothing prevented the Council from discussing or developing an ITQ system, but it could not be submitted for approval prior to October 1, 2000. The MSFCMA is quite specific on what issues must be addressed.
- NOAA advice was not to adopt a retroactive control date.

Public comment included:

- Paul Palino said there is a need for limited access in Area 1A. He suggested the first 20,000 mt of quota in Area 1A should be reserved for existing participants.
- Mike Loper said he has never seen a Gulf of Maine herring – they are all Atlantic herring. He does not concur with a limited entry scheme for a particular area. He noted that there are a lot of herring south of Cape Cod in the winter – so many that mackerel fishermen have difficulty avoiding them.

Mr. Bergmann asked if there was any evidence that Gulf of Maine herring were a completely different stock. Does the law allow a separate scheme in one area? Dr. Desfosse noted that the current scientific advice is that there are separate spawning components that make up the stock complex. This is based on historic tagging studies and spawning areas. Tagging studies show that about 20% of fish caught south of Cape Cod in the winter are Gulf of Maine fish. This is advice the most recent SARC has reviewed. Mr. Martin replied that if justified under the national standards, there was nothing to prohibit a limited entry scheme for only one area.

The motion passed on a roll call vote, 5-4-1 (Yes: Mr. Bassett, Ms. Bichrest, Mr. Goethal, Mr. Kalein, Mr. Robbins; No: Mr. Calomo, Mr. Earl, Mr. Ellenton, Mr. Bergman; Abstain: Mr. Mullen)

The advisors next discussed specifics of a limited entry scheme and the need for a control date. After a general discussion of the specifics, the discussion focused on the need for a control date. Mr. Martin provided additional clarification on the impact of control dates: they do not need to specify the qualification criteria that will be applied to the fishery, they have no legal force by themselves, and are considered an Advanced Notice of Proposed Rulemaking. Control dates must be established by the full Council, so realistically one could not be put in place before the July Council meeting.

Mr. Goethal made the following motion:

**Motion: To recommend to the NEFMC that a control date of August 1, 1999, be established for the Atlantic herring fishery in management Area 1A, commensurate with publication in the Federal Register. (Mr. Kaelin second)**

Several advisors noted the close link between the mackerel and herring fisheries and the need for

limited access schemes in both to be compatible. Mr. Bergman moved to amend the motion by striking the language concerning the Gulf of Maine and making the motion apply to the entire herring fishery; the change was accepted.

**Motion: To recommend to the NEFMC that a control date of August 1, 1999, be established for the Atlantic herring fishery, commensurate with publication in the Federal Register.**

Public comment on the motion included:

- Walt Raber: F/V Providian. As a result of the American Fisheries Act there is equipment on the west coast that is planning to come into the herring fishery. 10 or 15 large trawlers, under the size limit, are willing to take a gamble to enter the fishery in hopes of a payoff in the future.

Mr. Ellenton noted that maybe this additional development is what is needed to create new markets and make sure the bait markets are supplied. Mr. Mullen questioned the biomass estimates of the scientists, as did Mr. Raber, expressing the opinion that there are less herring available than estimated.

The motion passed on a roll call vote, 6-3-1 (Yes: Mr. Bassett, Ms. Bichrest, Mr. Goethal, Mr. Mullen, Mr. Bergman, Mr. Robbins; No: Mr. Calomo, Mr. Ellenton, Mr. Kaelin; Abstain: Mr. Earl)

Mr. Goethal suggested the advisors recommend the Herring and Mackerel Committee meet to coordinate development of the two plans. Mr. Kaelin offered the following motion:

**Motion: That the advisors recommend to the NEFMC that the Council coordinate with the MAFMC to the greatest extent possible the criteria that are to be developed under the control dates for the herring and mackerel fisheries. (Mr. Ellenton second)**

The motion passed on a show of hands.