



## New England Fishery Management Council

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# MEETING SUMMARY

## Herring Advisory Panel

Four Points Hotel, Wakefield, MA

June 1, 2016

The Herring Advisory Panel (AP) met on June 1, 2016 in Wakefield, MA, to make recommendations to the Herring Committee (Committee) on: preliminary preferred alternatives for the herring components of the Industry-Funded Monitoring Amendment; a range of alternatives for a framework adjustment regarding the Georges Bank haddock catch cap and associated accountability measures; and review the outcomes of a Council-sponsored workshop on the current Management Strategy Evaluation of Atlantic herring Acceptable Biological Catch control rules. Under Other Business, the AP received an update on mapping Atlantic herring fishing activity and spatial management boundaries.

**MEETING ATTENDANCE:** Mr. Bert Jongerden (Chairman), Mr. John-Paul Bilodeau, Mr. Vito Calomo, Ms. Beth Casoni, Mr. Raymond Kane, Ms. Meghan Lapp, Mr. Peter Moore, Mr. Gerry O'Neill, Mr. Jeff Reichle, Mr. Donald Swanson, The AP was supported by Council staff Dr. Rachel Feeney (Interim Herring Plan Development Team (PDT) Chairman), Ms. Deirdre Boelke, Dr. Jamie Cournane, and Ms. Maria Jacob; Mr. Brant McAfee and Ms. Carrie Nordeen (NMFS/GARFO); Dr. Jon Deroba (NEFSC); and Mr. Peter Kendall (Herring Committee Chairman). In addition, about five members of the public attended.

**SUPPORTING DOCUMENTATION:** Discussion was aided by the following documents and presentations: 1) meeting memo; 2) meeting agenda; 3a) Herring PDT meeting summary, April 14, 2016; 3b) Herring PDT meeting summary, May 23, 2016; 4a) Herring Advisory Panel meeting summary, March 15, 2016; 4b) Industry-Funded Monitoring (IFM) Plan Development Team memo, April 11, 2016; 4c) IFM PDT meeting summary, May 14, 2016; 4d) IFM Decision Document, May 26, 2016; 4e) Draft Environmental Assessment, May 27, 2016; 4f) GARFO staff presentation, June 1-2, 2016; 5a) Atlantic Herring - Georges Bank Haddock Action Draft Action Plan, May 27, 2016; 5b) Herring-GB haddock Draft Discussion Document, May 27, 2016; 5c) Groundfish PDT memo, May 27, 2016; 5d) Herring-GB haddock NEFMC staff presentation, June 1-2, 2016; 6a) May 16-17 2016 Management Strategy Evaluation Workshop summary; 6b) Amendment 8 NEFMC staff presentation, June 1-2, 2016; and 7) Correspondence

***KEY OUTCOMES:***

- Reaffirmation of the APs motions from the March 15 AP meeting regarding preferred alternatives for the IFM Amendment.
- Recommended for measures to include in the Georges Bank haddock-Atlantic herring framework.
- No revisions to workshop recommendations regarding the Management Strategy Evaluation, but anticipates a lively AP discussion in August on localized depletion.

***OPENING REMARKS:***

Herring Committee Chairman Mr. Peter Kendall opened the meeting at 10:00 AM by thanking Mr. Chris Weiner, who has served for over two years as AP Chairman, and by announcing that Mr. Bert Jongerden has been appointed to serve as the new Chairman. Mr. Weiner will become the Vice-Chairman. Mr. Jongerden then led the meeting, and had no other announcements or agenda revisions.

***INDUSTRY-FUNDED MONITORING (IFM) AMENDMENT***

Ms. Nordeen presented an overview of the IFM Amendment, including a review of herring monitoring coverage target alternatives, impacts and analysis, and updates to the Draft Environmental Assessment (EA) since the April 2016 Council meeting. She also provided an update on the electronic monitoring (EM) pilot project. If the Council approves the draft EA in June 2016, then there would be public hearings during the summer of 2016, and the Council would be expected to take final action in September 2016. Under this timeline, implementation would be expected in the spring of 2017.<sup>1</sup> Each section of the presentation was followed by AP discussion. Sub-option 1 is a waiver to allow fishing activity to continue when a monitor is not available to cover trip, or when there is a Federal funding shortfall to cover administrative obligations for the IFM program. Ms. Nordeen clarified that reducing fishing effort to match available monitoring may lack sufficient justification and may be inconsistent with Magnuson-Stevens Act's national standards.

*AP discussion – Herring Monitoring Coverage Target Alternatives*

None.

*AP discussion - Biological Impacts*

Ms. Lapp noted that the 9% observer coverage on small-mesh bottom trawl trips in 2015 is inconsistent with the January PDT summary stating that the herring small-mesh bottom trawl (SMBT) trips had 31% coverage in 2015. Ms. Nordeen clarified that for small-mesh bottom trawl gear, the coverage includes small-mesh bottom trawl with codend <5.5 inches, and excludes twin trawl, scallop, and shrimp trawl trips. Otherwise, it includes other non-herring trips. SBRM allocates by broad gear categories, not fishery. Ms. Lapp stated that the information as presented is misleading, and should be clarified in the future.

Ms. Lapp asked whether this action would allocate coverage on SMBT vessels targeting herring or on all SMBT trips. Ms. Nordeen stated that the alternatives would apply coverage on SMBT trips targeting herring, and stated that there would need to be some stratification to resolve the mismatch between how coverage is allocated under SBRM and IFM.

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<sup>1</sup> The implementation date has since been updated to January 2018 for this action. Refer to [Staff Presentation 6 Herring Monitoring Coverage Alternatives by GARFO](#)

Mr. O'Neill raised concern regarding the ability to select a herring coverage target under the combined coverage target approach based on large discrepancies between coverage between years, and asked whether there would be a stable bottom line coverage level. Ms. Nordeen stated that a downside of a combined target is a moving target regarding the IFM coverage.

AP discussion - Economic Impacts

Mr. Kane asked if there is landings information on the number of trips landed in each of the ports that are not sampled portside and was concerned about the ability to sample in ports deemed unsafe. Ms. Nordeen noted data confidentiality concerns, but plans to explore the matter.

Ms. Megan Lapp indicated that vessels landing in North Kingston sometimes use midwater gear to fish within closed areas. She asked whether these vessels would be required to have EM for these rare instances. She also noted that insurance costs for crew members are not included in the reduction to return-to-owner estimates; therefore, these costs would be greater than described.

Mr. Peter Kendall asked whether there was any economic impact analysis on the fishing communities affected by this action, like if landings are prohibited in Vinalhaven. Ms. Nordeen stated that data confidentiality restrictions limit the ability to provide a quantitative analysis that is port-specific. Mr. O'Neill does not agree with limiting vessels on where they can land, and suggested that the document summarize the percentage of fish landed from these ports that fall outside the ability to sample. Ms. Nordeen responded that 95% of landings occur in ports currently sampled. Mr. O'Neill stated that vessels should not be limited from landing in these ports, because these landings constitute 5% of the total catch. The decision regarding the location to land is not likely to change, because these remote ports like Vinalhaven have a limited market. In addition, there is additional cost to steam to these remote areas and avoid sampling, making this behavioral change unlikely. If the percentage of landings in ports not available for sampling increases, then reconsider in the future. Ms. Maria Jacob asked whether the PDT could explore options to allow these ports to be sampled. For example, describe the expenses that would be incurred if a port became able to sample. Ms. Nordeen stated that the PDT had an initial discussion on the logistical issues regarding ports not currently sampled, referring to the PDT memo. Ms. Jacob suggested another approach to addressing the logistical issues is to describe which ports are not currently sampled and identify ways to allow port to be available for sampling portside, and allow the Committee and Council to weigh in on those considerations. This approach would also address the concerns being raised regarding adverse impacts to the fishing industry and communities.

Mr. O'Neill asked whether the Agency intends to cover all vessels in the EM project and not limit participation to the midwater trawl fleet. Ms. Nordeen stated that the number of vessels participating in the project would not be the agency's first choice for scaling of project.

Ms. Lapp raised concerns that one vessel owner in Point Judith will sell his vessel if he is required to pay for monitoring, due to the high monitoring costs.

Ms. Calamo asked for clarification on the safety issues described for Boston and New Bedford ports. Ms. Nordeen clarified that the majority of safety concerns are related to access to the dewatering box or collecting sample from dewatering boxes. However, for Boston, the offloading is a lengthy process and there are human safety concerns with samplers being at the docks at night. Mr. Nordeen clarified that the industry would have the ability to negotiate with approved service providers for monitoring contracts, which may potentially reduce monitoring costs.

### AP discussion - recommendations

The AP reviewed their motions from their March 15 meeting regarding recommendations on preferred alternatives for the IFM Amendment and discussed whether to make any changes to the recommendations.

***Motion #1: O'Neill/Calomo.** The AP reaffirms its motions from the March 15 AP meeting regarding preferred alternatives for the IFM Amendment.*

*Rationale:* The updated information and analysis has not altered the opinion of the AP. It is not necessary to have >25% video review and its associated costs that have to be borne by the industry.

Motion #1 **carried** on a show of hands (7/1/1).

Ms. Jacob explained the April 2016 Council's decision that the combined coverage target calculation would not apply for EM/ portside sampling alternatives. Instead, the EM/PS alternatives would be in addition to SBRM coverage. Several AP members raised concerns with the inability to calculate monitoring coverage using the combined coverage target approach, which considers the SBRM coverage in the total calculation of coverage.

### ***ATLANTIC HERRING - GEORGES BANK HADDOCK ACTION***

Ms. Boelke presented the draft action plan, draft discussion document, and related recommendations of the Herring and Groundfish Plan Development Teams (PDT) for a framework adjustment to consider revising the Georges Bank Haddock catch cap for the Atlantic herring fishery and associated accountability measures. She reviewed the draft alternatives related to the GB haddock cap, the associated accountability measures, and how the AMs would be implemented.

### AP questions

Mr. Moore asked about how the herring midwater trawl catch has compared to the catch of the fisheries included in the other sub-components sub-ACL. Ms. Boelke explained that in 2010, the midwater trawl catch was 69 mt and the other was 45 mt. In other years, the catches are more different (288 mt vs. 1 mt in 2012).

Ms. Casoni asked what the unknown category is within the other sub-components sub-ACL, and was concerned that there is unknown catch given the amount of data that is collected. Dr. Cournane clarified that GARFO bins trips that have observer data do not fall into one particular fishery, according to certain definitions, into the unknown category. Annually, the Groundfish PDT examines sub-ACL use.

Mr. Reichle suggested that there be a comparison of herring catch in herring management areas relative to the bycatch. Ms. Boelke agreed to show that.

Mr. O'Neill noted that for the 2010 haddock catch, the number that year would have been higher if the fishery had not stopped itself. That was the year when if we caught the haddock cap, we would have been shut down out of all areas. We stopped fishing when we reached 80% in December, to be sure we could have a January fishery. Dr. Cournane noted that the 2010 estimate was the total observed catch. Ms. Boelke noted the suggestion to keep the years after 2010 distinct, because of the regulatory changes.

Mr. Moore asked question about the alternative to terminate the herring sub-ACL and account for catch under the other subcomponent: how is the haddock bycatch in those other fisheries monitored? What is the coverage? Why was the sub-ACL recently lowered to 1%? Ms. Boelke

clarified that the other fisheries catch is estimated based on observed catch under the NEFOP program. Dr. Cournane clarified that, annually, the Groundfish PDT estimates what might be caught in the following year based on prior catches. The other sub-component percentage was lowered, because 1% was closer to what has been caught by those fisheries. If the midwater trawl fishery is added to the other sub-components, the percentage may need to be revised again. Mr. Moore then asked what the rationale is for not having an AM for other sub-components. Dr. Cournane noted the Council priority to look at catch of groundfish in other fisheries. There is a rule of thumb that a sub-ACL is necessary if the catch is >5% of total catch, but there are other reasons why sub-ACLs are in place. Currently, the Council is looking at Northern windowpane flounder, because the groundfish fishery has an AM while the scallop fishery does not.

### AP discussion

Mr. Jongerden then asked the AP to comment on the draft action plan. There were no comments on the action plan.

*Consensus Statement #1: The AP has no revisions to the draft action plan to recommend.*

Mr. Jongerden then asked the AP to comment and make any recommendations on the purpose and need statement and the measures in the Draft Discussion Document. Considering that the Council aims to take final action on this framework in the fall, the AP was encouraged to consider which measures should not be developed into formal alternatives, to keep the range manageable.

Mr. O'Neill asked if the caps would still be based on observed catch and possible shoreside monitoring. Ms. Boelke confirmed that the catch estimation method would not change (extrapolation from observed catch), unless an alternative is developed to change that.

Mr. O'Neill felt that there was nothing in Section 2.1 that should be removed, though he is not familiar enough with how the other sub-component works and if that would be appropriate. Ms. Lapp also asked about how the herring cap would merge with the other sub-components. Dr. Cournane clarified that accounting for midwater trawl catch under the sub-component would eliminate the cap and there would be no AMs, though accounting of the catch would continue; there would be an annual evaluation and recommendation if there are biological concerns. If catches were found to increase in the future, the cap may be reinstated. Mr. O'Neill did not favor revisiting the cap in the future. He also did not like the public thinking that the herring fishery wants to be catching haddock. Ms. Boelke clarified that the other sub-component percentage would likely adjust upward, and a fishery must be accountable. Ultimately, the groundfish fishery would have to pay for overages of the other sub-component.

Mr. Moore asked about Alternative 2.1.3, what is the timeframe for developing the details on the variable percentage. Ms. Boelke clarified that it would be developed over the next month and asked the AP if it wants to explore a variable percentage. Dr. Cournane clarified that there may be near-term increases in groundfish fishery catches of GB haddock; present catches may not reflect future use. Biomass is also expected to increase.

Mr. Reichle liked the idea of a variable percentage, but felt there should be a minimum percentage for herring, as there will always be some amount that is needed. He noted that the system is dynamic based on the health of both fisheries, changes every year in terms of space and weather. When fishing on GB, we are certain to have occasional haddock bycatch. He is concerned with having just 1%, but understood how people think that there is a desire to target haddock. That is not true; a balance is needed.

**Consensus Statement #2:** For Alternative 2.1.3, revise to include a minimum cap percentage of 1%.

*Rationale:* Continued bycatch of GB haddock is expected. A cap of 0.2% is too low. A cap of 1% is more workable and the increase from 0.2% (in Framework 46) took substantial effort.

Mr. Kane asked a question on Alternative 2.1.4, haddock catch in the groundfish fishery (adults) is different than in the herring fishery (juveniles): how is that difference in size composition accounted for the stock assessment. Dr. Cournane explained that the assessment does account for the difference. The assessment is based on all age groups. The Groundfish PDT is thinking about size composition more and would investigate the impacts of size composition of catches.

Ms. Boelke asked the AP if they had a preferred approach for determining the AM area. Mr. Reichle asked if this is a work in progress. Ms. Boelke asked the AP to appreciate that the Council wants to move quickly.

Mr. Swanson asked a question on Alternative 2.2.4: why would a catch of 150% be allowed. Ms. Boelke clarified that the rationale is that the vast majority of GB haddock is underutilized. A pound-for pound payback would have a negligible benefit. Mr. Swanson felt that the recreational fishery would not support allowing a fishery to catch 150% of their quota. Ms. Casoni agreed that 150% looks very big; perhaps 1.5% would be better.

Mr. O'Neill clarified his motion from March: a seasonal split does not work without an increase in allocation. With a 1% cap, he does not support a seasonal split.

**Consensus Statement #3:** Alternative 2.3.4 (seasonal split) should not be selected without also selecting an increase in the cap.

*Rationale:* With a 1% cap, there would not be enough haddock available for a seasonal split to be viable for the fishery.

Mr. Calomo asked if no one caught haddock, would haddock keep growing such that they will starve to death. That was the reason for starting the mackerel and herring fishery 20 years ago, because the biomass was so large. This is one of the biggest haddock biomass in history. There will be a die-off. Dr. Cournane noted that the current approach to setting catch limits has not accounted for density dependence, and the assessment does not recommend using that approach at this time. Mr. Calomo noted that there is no incentive to catch haddock. He supports a flexible cap percentage based on biomass. Keep jobs in America.

Mr. O'Neill was not in favor of having a subsequent year AM because that could severely impact the cap available in the subsequent year. Mr. Reichle agreed

**Consensus Statement #4:** The AP does not support the development of Alternative 2.3.2 (a subsequent year AM).

*Rationale:* Depending on which alternative gets chosen, you run the risk of lowering or having no cap in subsequent years.

Likewise, Mr. O'Neill did not support having a subsequent year AM in Alternative 2.3.3.

**Consensus Statement #5:** On Alternative 2.3.3, modify to be in-season only.

*Rationale:* Depending on which alternative gets chosen, you run the risk of lowering or having no cap in subsequent years. Also, if the cap had been tied to the CV in 2015, the fishery would not have been shut down.

Mr. Reichle asked for the rationale for having a sub-sequent year AM. Ms. Boelke clarified that most AMs in other fisheries trigger in the subsequent year to help insure the catch estimates are

accurate, though there is a risk of exceeding a cap. Mr. Reichle supported having better catch estimates, but asked if there are any approaches to help monitor cap use. Ms. Boelke explained ways to prevent overages. Mr. O'Neill explained that the problem in 2015 is that the herring fishery thought they had caught 63% of the cap, and then it went to 123% in a week. If the AM is tied to the CV, there is more chance to log zero catch and lower the total. With low observer coverage, we will not have good CVs moving forward for a while. DMF is now sending information on haddock bycatch for voluntary avoidance. Mr. Reichle noted the need to have in-season tools to reduce bycatch, but it is hard to look at just one alternative here. Dr. Courneau provided an example of a subsequent year AM for the GB yellowtail flounder small mesh fishery. Their AM is a gear restriction that goes into place in either year 2 or 3 depending on conditions. Mr. Reichle noted the timeline of this action and through it would be simpler to keep the AM in the current year for now.

Regarding proactive AMs, Mr. O'Neill noted the current voluntary haddock bycatch avoidance programs, which is not yet as broad as the river herring program. His preference would be not to require participation at this time while the program. Regulating it does not seem necessary, particularly if this framework can develop good solution. The industry is taking steps to self-regulate currently. Dr. Courneau noted that the current efforts to avoid bycatch can be noted within the No Action alternative or impacts analysis.

***Consensus Statement #7:** The AP does not support the development of alternatives in Section 2.4: development of a required bycatch avoidance program and a proactive seasonal closure.*

*Rationale:* The AP supports developing the other options in the document; the industry is already taking proactive steps to avoid bycatch.

#### ***AMENDMENT 8 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN.***

Dr. Feeney reviewed the outcomes of the recent Management Strategy Evaluation (MSE) public workshop that developed recommendations for: management objectives that could be met with an Acceptable Biological Catch for Atlantic herring, features of potential control rules, and how control rules could be tested to determine potential outcomes relative to the objectives. The recommendations focused on the technical simulations that are expected to occur this summer with the current data and modeling capabilities. Many workshop participants were interested in considering spatial scales smaller than the Atlantic herring stock area (Maine to North Carolina), and it was noted that the Council could develop an action in the future for a sub-ACL control rule, that the models are not yet developed to consider spatial scales smaller than the stock area, and that the Council is currently addressing localized depletion concerns through other aspects of Amendment 8. The Herring Plan Development team has not recommended specific changes to the MSE recommendations, but cautioned that it may not be possible to directly include some of the performance metrics, but proxies that address the intent would be used.

Mr. Jongerden then asked the AP to develop Committee recommendations regarding the MSE. Mr. Calomo asked what localized depletion is. Dr. Feeney indicated that there are concerns that herring fishing is having a negative impact on the predators of herring in specific times and locations, and reminded the AP that the topic will be on the agenda of their August meeting. Mr. Moore pointed out work by Dr. Lutcavage and others on a fat content analysis of tuna that showed that it is not impacted by herring fishing. Thus, Mr. Moore felt that it is an unfair metric, what matters more is what herring is eating, and that localized depletion measures should not be developed until there is field testing.

Regarding the MSE recommendations, Mr. Moore did not agree with the concept of setting aside 30% of Atlantic herring as forage, if natural mortality is already accounted for in the stock

assessment. Dr. Deroba suggested that the AP not focus on whether or not it agrees with a particular concept, and recommended a full evaluation that includes both having and not having a set-aside for comparison. Mr. Reichel supported evaluating the full range of concepts. Dr. Feeney reminded the AP that the workshop recommendations do not constitute formal alternatives; alternatives will be formulated after the MSE is complete. Ms. Lapp asked about the metric of maintaining tern productivity of 0.8. Dr. Deroba indicated that this is an example metric that may not be used exactly, but the evaluation determine if there are control rules that are robust under both low- and high-predator dependence scenarios.

*Consensus Statement #6: The AP did not have any revisions to workshop recommendations regarding the Management Strategy Evaluation, but anticipates a lively AP discussion in August on localized depletion.*

## ***OTHER BUSINESS***

### Mapping herring fishery and management measures

Dr. Feeney gave a brief update on one of the localized depletion-related tasks from the March 30 Committee meeting: creating maps of herring fishing locations and spatial management boundaries. GARFO is developing an interactive webpage for this purpose similar to the existing webpage for scallops. A web link will available soon.

### Other business

Mr. Jongerden is unable to attend the June 2 Herring Committee meeting. Mr. Kendall will give the report. The AP prefers to meet at 9:00 AM and suggested a few meeting venues.

The meeting adjourned at 4:03 PM.