New England Fishery Management Council
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FINAL REPORT

Herring Advisory Panel

Holiday Inn, Portsmouth NH

November 3, 2014

MEETING ATTENDANCE: Herring Advisory Panel: Chris Weiner, Herring AP Chairman; Jennie Bichrest, Peter Mullen, Gerry O'Neill, Don Swanson, Vito Calomo, Dave Ellenton, Peter Moore, Peter Mullen (9 of 15 advisors present), Lori Steele and Rachel Feeney NEFMC staff; Carrie Nordeen, NMFS NERO staff, Brad Schondelmeier (MA DMF), JJ Bilodeau (F/V Providian), other interested parties.

The Herring Advisory Panel (AP) met on November 3, 2014 in Portsmouth, New Hampshire to:

- Review updated information about the industry-based river herring bycatch avoidance program (MA DMF/SMAST/SFC); develop recommendations;
- Review/discuss information related to consideration of adding river herring and shad as stocks in the Atlantic herring fishery; develop recommendations
- Discuss possible upcoming herring-related management actions and develop recommendations for the Herring Committee to consider regarding Atlantic herring management priorities for 2015; and
- Review/discuss options under consideration in the NMFS-led omnibus Industry-Funded Monitoring Amendment to address observer coverage on Atlantic herring vessels.

KEY OUTCOMES

The Herring Advisory Panel passed motions and reached consensus to recommend the following:

- The Herring AP agreed by consensus to support the Herring PDT recommendations to consider adjustments to the RSA provisions in the 2016-2018 Atlantic herring fishery specifications package (p.7-8 October 29, 2014 Herring PDT Report).
- The Herring AP agreed by consensus to strongly support the Herring PDT recommendation to move with the incorporation of portside sampling data into NMFS' monitoring program for RH/S catch caps.
- The Herring AP recommends that the Council prioritize the development of the 2016-2018 Atlantic herring fishery specifications package, including consideration of options to adjust RSA provisions and the herring ABC control rule.

- Based on the information presented in the Discussion Document and the challenges identified at the AP meeting, the Herring AP does not support developing an amendment to consider adding RH/S as stocks in the Atlantic herring fishery at this time.
- The Herring AP recommends that NMFS/the Council consider/include the impacts of all fisheries in the process for protecting river herring, not just the fisheries that midwater trawl vessels participate in.

Detailed minutes of the meeting and a summary of the Herring AP discussion are provided on the following pages.

PRESENTATION: SMAST/MADMF/SFC RIVER HERRING BYCATCH AVOIDANCE PROGRAM

Brad Schondelmeier presented an overview/update of the river herring bycatch avoidance program coordinated by MADMF with UMASS Dartmouth School of Marine Science and Technology (SMAST) and the Sustainable Fisheries Coalition (SFC).

- In general, the Herring AP expressed continued support for the river herring bycatch avoidance program and strong support for the portside sampling program for the herring fishery.
- At its October 29, 2014 meeting, the Herring Plan Development Team (PDT) expressed continued support for both the river herring bycatch avoidance program and the portside sampling program conducted by MADMF and ME DMR. The PDT also expressed strong support for moving forward with the incorporation of portside sampling data into NMFS' monitoring program for RH/S catch caps and urged GARFO staff to continue to explore this issue. The Herring AP supports these Herring PDT recommendations.
- Several Herring AP members expressed support for considering modifications to herring research set-aside (RSA) provisions in the 2016-2018 herring specifications package, also discussed in the October 29, 2014 Herring PDT Report. Some advisors provided more specific suggestions to consider for options to modify the RSA program to increase the incentive for vessels to participate (i.e., allowing Area 2 RSA fish to be harvested from Area 3); these options would be fleshed out in detail in the 2016-2018 Atlantic herring fishery specifications package.

HERRING ADVSORY PANEL CONSENSUS

The Herring AP agreed by consensus to support the Herring PDT Recommendations to consider adjustments to the RSA provisions in the 2016-2018 Atlantic herring fishery specifications package (p.7-8 October 29, 2014 Herring PDT Report).

HERRING ADVSORY PANEL CONSENSUS

The Herring AP agreed by consensus to strongly support the Herring PDT Recommendation to support moving forward with the incorporation of portside sampling data into NMFS' monitoring program for RH/S catch caps.

DRAFT DISCUSSION DOCUMENT: ADDING RIVER HERRING AND SHAD AS STOCKS IN THE ATLANTIC HERRING FISHERY

Ms. Steele presented an overview of the draft Discussion Document addressing considerations related to adding river herring and shad as stocks in the Atlantic herring fishery. The Herring AP agreed to develop more specific recommendations regarding this issue during the afternoon discussion of 2015 herring management priorities.

- Mr. Brogan suggested that several issues identified in the document be discussed further/expanded upon: the application of the National Standard 1 guidelines; possible Federal management approaches including the potential to utilize the ASFMC FMP for River Herring and Shad as the primary FMP for the purposes of Federal management; and the potential to better address National Standard 9 (bycatch/bycatch mortality) by adding RH/S as stocks in the fishery.
- Mr. Brogan also suggested that the Council should consider the issue of identifying stocks in the fishery on a larger scale and develop a policy to apply across all FMPs, which would establish some guidelines or criteria for determining how to identify stocks in a fishery and how to determine which stocks are in need of Federal conservation and management.
- Several AP members emphasized the need to address the conservation of river herring and shad in a more holistic manner, including consideration of the impacts of all fisheries that may impact river herring.

DISCUSSION OF 2015 ATLANTIC HERRING MANAGEMENT PRIORITIES

Ms. Steele reviewed the August 2014 memo from Herring Committee Chairman Doug Grout re. possible 2015 herring management priorities as well as the Draft Action Plan for the 2016-2018 Atlantic herring fishery specifications. She also briefed the Herring AP regarding the related Herring PDT recommendations from the October 29, 2014 Herring PDT Meeting.

- The AP briefly discussed each of the bullets under Item #2 from the August 2014 priorities memo. Some AP members expressed support for protection of offshore spawning fish but recognized that the funds are not available to conduct the research necessary to develop management measures to address this issue at this time. The AP recognized that the ASMFC still may consider measures to address inshore spawning provisions in Amendment 3.

1. MOTION: O'NEILL/ELLENTON

That the Council move forward with the 2016-2018 herring specifications package (#1) and development of an amendment for catch shares (#4) as the 2015 Atlantic herring management priorities

Discussion on the Motion: Mr. O'Neill offered his rationale for the motion and for supporting further consideration of a catch share program for the herring fishery: There has been a lot of concern expressed about the need for accountability in the herring fishery, and this approach could provide that accountability; it is not possible to achieve that with the current race to fish. Under a catch share program, vessels could make different decisions about when to fish if they had quota available throughout the year. A catch share program could address bycatch interactions and provide accountability for bycatch. Currently, there is no ability to prosecute the

mackerel fishery if the sub-ACL for herring in the area is caught; vessels could set-aside some of their catch share to fish for mackerel, which benefits both fisheries. Industry-funded observer coverage or other monitoring could be more viable if the industry had some confidence that quota would be available to them to plan their fishing operations based on when the fish are available; the industry can focus on fishing for quality fish. He felt that a catch share program could possibly reduce costs in the fishery, reduce wasteful fishing time, and allow the available quota to be better managed.

Mr. Brogan expressed concern about the need for a referendum vote to approve a catch share program and suggested that this issue be explored further before the time and resources are dedicated to developing an amendment that ultimately may fail if it is not supported by a majority of the participants in the fishery. He suggested that the participants in the fishery provide more formal expression of support for this approach before the Council initiates an amendment to develop a catch share program.

Mr. Mullen, Ms. Bichrest, and Mr. Swanson expressed concern about moving too quickly through the development of a catch share program and urged that the Council proceed with caution.

Mr. Ellenton expressed full support for consideration of a catch share program and agreed that all of the related issues need to be discussed in much more detail. He noted that the amendment process provides the opportunity for that discussion.

MOTION #1 FAILED 2-3-3.

Ms. Bichrest suggested that the Herring AP should formally acknowledge the importance of developing the 2016-2018 Atlantic herring specifications package as a 2015 management priority, including consideration of herring ABC control rule alternatives (under #2 in the August 2014 priorities memo) and options for modifying RSA provisions (also under #2 in the priorities memo, see previous Herring AP consensus). This is consistent with the approach outlined by the Herring PDT in the Draft Action Plan for the 2016-2018 specifications package. She also suggested that the Herring AP should provide an official recommendation regarding whether or not river herring and shad should be considered for inclusion as stocks in the Atlantic herring fishery.

2. MOTION: BICHREST/CALOMO

That the Council prioritize the development of the 2016-2018 Atlantic herring fishery specifications package, including consideration of options to adjust RSA provisions and the herring ABC control rule

MOTION #2 CARRIED 6-1-1.

3. MOTION: BICHREST/CALOMO

Based on the information presented in the Discussion Document and the challenges identified at the AP meeting, the Herring AP does not support developing an amendment to consider adding RH/S as stocks in the Atlantic herring fishery at this time

Discussion on the Motion: Mr. Moore emphasized the need to consider the impacts of RH/S catch across all fisheries as well as the importance of resolving issues related to the science and the stock assessment for river herring. He felt that incorporating RH/S into the Federal management system has significant impacts and may not necessarily lead to a faster or better stock assessment. He suggested that the AP and the Council should be focusing on developing recommendations to achieve the goal of producing a more comprehensive stock assessment to inform management.

THE MOTION CARRIED 7-1-0.

The Herring AP discussed issues related to the haddock catch cap for the herring fishery and the potential to address this as a 2015 management priority (under #2 in the August 2014 priorities memo). No specific recommendation was developed, but some AP members expressed concern about the potential to close the herring fishery under the haddock catch cap if the haddock ACL is not fully utilized and haddock is abundant.

HERRING OBSERVER COVERAGE OPTIONS IN OMNIBUS IFM AMENDMENT

The AP discussed the general range of options under consideration in the NMFS-led omnibus amendment to establish provisions for industry-funded monitoring across all fisheries. Without more detailed analysis available, it was not possible for the Herring AP to develop specific recommendations to refine the range of options under consideration to address observer coverage requirements on limited access herring vessels. The AP discussed the options generally. Mr. Mullen and a few other AP members expressed concern about focusing attention only on the midwater trawl fleet, given the information that suggests that other fleets/fisheries may have a bycatch of river herring and shad. Mr. Moore agreed and noted that any problems related to RH/S catch mortality cannot be solved by only addressing one component of it.

4. MOTION: MULLEN/BICHREST

To consider/include the impacts of all fisheries in the process for protecting river herring, not just the fisheries that midwater trawl vessels participate in

Discussion on the Motion: N/A.

THE MOTION CARRIED UNANIMOUSLY.

The Herring Advisory Panel Meeting adjourned at approximately 4:30 p.m..