



## New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

# FINAL MEETING SUMMARY

## Herring Committee

Sheraton Four Points, Wakefield MA

July 22, 2015

The Herring Committee met on July 22, 2015 in Wakefield, MA to: address elements of 2016-2018 Atlantic herring fishery specifications, including the specification of management uncertainty, the stockwide Atlantic herring annual catch limit (ACL), domestic annual harvesting (DAH), domestic annual processing (DAP), U.S. at-sea processing (USAP), Border Transfer (BT), fixed gear set-aside (FGSA), and Research Set-Aside (RSA); develop options (as appropriate) for 2016-2018 Atlantic herring sub-ACLs (by management area) and gear/area catch caps for river herring and shad (RH/S); develop recommendations for seasonal sub-ACLs in any management areas; discuss and develop options (as appropriate) to modify management measures related to Atlantic herring RSAs; and address any other elements of the 2016-2018 Atlantic herring fishery specifications.

**MEETING ATTENDANCE:** Doug Grout (Chairman), Matt McKenzie (Vice Chair), Pete Kendall, Vincent Balzano, Mary Beth Tooley, Jeff Kaelin, David Pierce, Mark Gibson, John Pappalardo, Peter Christopher (10 Committee members present, McMurray absent); Lori Steele, Rachel Feeney (NEFMC staff); Carrie Nordeen (NMFS GARFO staff); Mitch MacDonald (NOAA General Counsel); Gerry O'Neill, Meghan Lapp, Dan Ryan (Herring Advisory Panel members); Brad Schondelmeier (MA DMF), Ashton Harp (ASMFC), Erika Fuller, Mo Bancroft, Annie Warner, Jenna Rockwell, Kevin Jackson, Chris Sarro, Patrick Paquette, Greg Wells, other interested parties.

### **KEY OUTCOMES**

The Herring Committee recommends the following specifications/options for consideration in the 2016-2018 Atlantic herring fishery specifications package:

- A management uncertainty buffer of 6,200 mt ( to account for catch in the Canadian weir fishery), Stockwide Herring ACL/OY 104,800 mt, DAH 104,800 mt, DAP 100,800 mt, BT 4,000 mt, and USAP 0 mt; also, a provision to allow 1,000 mt of the management uncertainty buffer to be returned to the Area 1A fishery after October 1 if NB weir catch is less than 4,000 mt as of October 1;
- Status quo allocations and seasonal splits for the management area sub-ACLs: Area 1A (28.9%), Area 1B (4.3%), Area 2 (27.8%), Area 3 (39%); Area 1A 0% Jan- May, 100% June-Dec; Area 1B 0% Jan-April, 100% May-December;

- Status quo specifications for the Fixed Gear Set-Aside (295 mt) and Research Set-Aside (3% from each management area sub-ACL);
- Use the seven-year weighted mean value (2008-2014 un-scaled) to specify the RH/S catch caps for the 2016-2018 fishing years (as the preferred option).

Detailed minutes of the July 22, 2015 Herring Committee meeting are provided below.

***PRESENTATION AND DISCUSSION: OVERVIEW OF 2016-2018 ATLANTIC HERRING FISHERY SPECIFICATIONS***

Ms. Steele provided the Herring Committee with an overview of the Discussion Document for the 2016-2018 Atlantic herring fishery specifications. Following the presentation, several Committee and audience members asked questions and provided general comments.

- Dr. Pierce asked several clarifying questions regarding the implementation and monitoring of the RH/S catch caps. He also mentioned that he received correspondence from a stakeholder indicating that the Canadians are gearing up to pursue the New Brunswick weir fishery and are hoping to catch 10,000 mt of herring in the NB weir fishery this year. Ms. Steele noted that this would be a positive sign that the 2011 year class is strong.
- Ms. Tooley summarized some related information she recently received through communication with Connors Bros., which purchases herring from the NB weir fishery. Mr. Grout suggested that Ms. Steele follow-up with Connors Bros. regarding expectations for this year's Canadian catch and provide more information in the 2016-2018 specifications document.
- Dr. McKenzie suggested that using a management uncertainty buffer based on a longer time frame (10 years versus 3 years or 5 years) may better account for the variability in the annual NB weir fishery catch. Ms. Steele summarized approaches used by the Council to account for Canadian catch during past specifications.
- Several Committee members asked for additional clarification regarding the RH/S catch cap data and the recent increase in RH/S discard rates observed on small mesh bottom trawl (SMBT) trips. She noted that the recent increase in discards appears to be due primarily to an increase in sea sampling on SMBT vessels and not due to a change in fishing practices. Brad Schondelmeier later added that a few new SMBT vessels have entered the fishery (primarily out of RI) in recent years and that these vessels often have a "learning curve" for avoiding RH/S interactions.
- Mr. Kaelin expressed support for using portside sampling data to also monitor catch against the RH/S catch caps, but he added that this issue should probably be investigated more thoroughly in the Industry-Funded Monitoring (IFM) amendment, or Amendment 8 to the Atlantic Herring FMP.

***DEVELOPMENT OF HERRING COMMITTEE RECOMMENDATIONS FOR 2016-2018 SPECIFICATIONS***

At this meeting, the Herring Committee developed recommendations for each of the Atlantic herring fishery specifications for the 2016-2018 fishing years as well as any management options that should be considered in the specifications package. At the September 15, 2015 Herring Committee meeting (following a September 14, 2015 Herring Advisory Panel meeting), the

Committee will review analyses of the options for the specifications and finalize its recommendations for the selection of final 2016-2018 specifications at the September 2015 Council meeting.

**1. MOTION: KAELIN/TOOLEY**

For the 2016-2018 specifications, recommend a management uncertainty buffer based on the five-year average of the NB weir catch (4,800 mt)

**Discussion on the Motion:** Mr. Kaelin noted that the five-year average NB weir catch estimate may better reflect variability than the three-year average and felt that this would be a reasonable approach for specifying management uncertainty during 2016-2018. Mr. Pappalardo did not support the motion and stated that he would prefer the status quo approach. He also suggested that a provision could be added to the specifications to allow some fish to return to the 1A fishery if it is not caught by the NB weir fishery, which has been done in previous specifications. Mr. Christopher expressed concern for this motion, especially given that the probability of overfishing is equal to 0.5 in Year 3. Ms. Tooley stated that she could support the status quo with a rollover provision as suggested by Mr. Pappalardo.

**MOTION #1 FAILED 2-7.**

**2. MOTION: PIERCE/MCKENZIE**

For the 2016-2018 specifications, recommend the following: A management uncertainty buffer of 6,200 mt, Stockwide Herring ACL 104,800 mt, DAH 104,800 mt, DAP 100,800 mt, BT 4,000 mt, and USAP 0 mt

**2A. MOTION TO AMEND: TOOLEY/KENDALL**

Also, to include a provision to allow 1,000 mt of the management uncertainty buffer to be returned to the Area 1A fishery after October 1 if NB weir catch is less than 4,000 mt as of October 1

**Further Discussion:** Mr. Pappalardo suggested that, as another option, the Herring PDT also provide the language for the rollover provision that was used in previous specifications. Dr. McKenzie expressed concern for the motion to amend, given the uncertainty associated with the stock assessment. Dr. Pierce noted that stock assessment uncertainty should be accounted for by the SSC when determining the buffer between the overfishing limit and acceptable biological catch. Mr. Paquette opposed the motion and stated that he expects Canadian catch to increase.

**MOTION #2A TO AMEND 8-1.**

**MAIN MOTION #2, AS AMENDED (PERFECTED TO INCLUDE OY SPECIFICATION):**

For the 2016-2018 specifications, recommend the following: A management uncertainty buffer of 6,200 mt, Stockwide Herring ACL/OY 104,800 mt, DAH 104,800 mt, DAP 100,800 mt, BT 4,000 mt, and USAP 0 mt. Also, to include a provision to allow 1,000 mt of the management uncertainty buffer to be returned to the Area 1A fishery after October 1 if NB weir catch is less than 4,000 mt as of October 1

**MAIN MOTION #2, AS AMENDED, CARRIED 8-0-1.**

### **3. MOTION: KAELIN/BALZANO**

For the 2016-2018 specifications, maintain status quo allocations and seasonal splits for the management area sub-ACLs: Area 1A (28.9%), Area 1B (4.3%), Area 2 (27.8%), Area 3 (39%); Area 1A 0% Jan- May, 100% June-Dec; Area 1B 0% Jan-April, 100% May-December

**Discussion on the Motion:** Mr. Kaelin expressed support for status quo allocations but noted that there are some concerns about the Area 1B quota and the potential for overages; he suggested that concerns about Area 1B be considered more thoroughly in Amendment 8 to the Herring FMP. He also clarified that his motion includes status quo seasons for Area 1A and 1B. Mr. O'Neill supported the status quo but noted that removing the seasonal split in 1B might help to address some of the user conflicts in that area.

**MOTION #3 CARRIED UNANIMOUSLY.**

### **4. MOTION: TOOLEY/KAELIN**

For the 2016-2018 specifications, maintain status quo specifications for the Fixed Gear Set-Aside (295 mt) and Research Set-Aside (3% from each management area sub-ACL)

**Discussion on the Motion:** Dr. Pierce and Mr. Kaelin expressed support for the RSA and the continued work on river herring bycatch avoidance that has been funded by the 2014/2015 RSA.

**MOTION #4 CARRIED UNANIMOUSLY.**

The Herring Committee discussed whether there is a need to consider changes to the RSA provisions/rules in the 2016-2018 Atlantic herring fishery specifications package and determined that such changes are not necessary to consider at this time. Brad Schondelmeier briefly summarized information related to the RSA-funded river herring bycatch avoidance program.

#### ***OPEN PERIOD FOR PUBLIC COMMENT (NOT ON THE AGENDA)***

- Erika Fuller asked for clarification regarding the re-scoping period for Amendment 8 and plans to peer review the Herring PDT analyses in Amendment 8.
- Gerry O'Neill added that he would support some changes to the RSA program to allow RSA fish to be moved between areas. He asked for clarification on the current RSA provisions and what kinds of rules may apply to transferring RSA fish.

#### ***RECOMMENDATIONS RE. 2016-2018 RIVER HERRING/SHAD CATCH CAPS***

Following the lunch break, the Committee reviewed the updated RH/S catch data provided by the Herring PDT and discussed the options under consideration for specifying RH/S catch caps for the 2016-2018 fishing years. Ms. Steele clarified that while the Herring PDT did not identify a preferred alternative, the PDT did generally express support for using a weighted mean (instead of a median value) with this data set to better account for year-to-year variability in sampling.

**5. MOTION: GIBSON/TOOLEY**

To use the seven-year weighted mean value (2008-2014 un-scaled) to specify the RH/S catch caps for the 2016-2018 fishing years (as the preferred option)

**Discussion on the Motion:** Dr. McKenzie expressed concern for changing the RH/S catch caps before the effects of the Year 1 catch caps are determined. He felt that this motion would represent too much change in the RH/S catch cap values so quickly after the implementation of Framework 3. He also noted that under this option, many of the catch caps would increase. Mr. Gibson felt that this approach better accounts for the fact that river herring runs monitored in RI have been increasing in recent years. Mr. Grout confirmed that runs in NH have been increasing as well. Dr. Pierce stated that he could not support this motion because it would significantly increase the RH/S catch cap for the Cape Cod area.

**MOTION #5 CARRIED 5-3-1.**

**6. MOTION: TOOLEY/KENDALL**

To eliminate the scaled options for RH/S catch caps in table 17 on p. 30 of the discussion document from further consideration

**Discussion on the Motion:** Ms. Tooley added that the scaled versus unscaled options are very similar and that this motion is consistent with the Herring PDT recommendation. Eliminating these options will simplify the analyses required for the 2016-2018 specifications document.

**MOTION #6 CARRIED UNANIMOUSLY.**

The Herring Committee will reconvene on September 15, 2015 to review the draft 2016-2018 Atlantic herring fishery specifications document and develop recommendations for the final selection of specifications at the September 2015 Council meeting.