



New England Fishery Management Council

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FINAL REPORT

Herring Advisory Panel

Hilton Garden Inn Logan, Boston MA

September 14, 2015

MEETING ATTENDANCE: Herring Advisory Panel: Chris Weiner, Herring AP Chairman; Gerry O'Neill, Don Swanson, Vito Calomo, Peter Moore, Zack Klyver, Ray Kane, JP Bilodeau, Meghan Lapp, Dan Ryan, Spencer Fuller, Bert Jongerden (12 of 15 advisors present); Lori Steele and Rachel Feeney NEFMC staff; Carrie Nordeen, NMFS NERO staff; Jim Ruhle, other interested parties.

The Herring Advisory Panel (AP) met on September 14, 2015 in Boston, MA to: (1) Review the Draft 2016-2018 Atlantic Herring Fishery Specifications Document and develop recommendations regarding the selection of final 2016-2018 Atlantic herring fishery specifications and gear/area-specific catch caps for river herring/shad (RH/S); and (2) Review/discuss the Draft Environmental Assessment for the NMFS-led omnibus Industry-Funded Monitoring (IFM) Amendment and develop recommendations regarding the selection of a preferred alternative for the herring monitoring options.

KEY OUTCOMES

- The Herring AP passed a motion (8-3-0) to recommend Alternative 2 (Non-Preferred) for the 2016-2018 Atlantic herring fishery specifications, without a payback option for the New Brunswick (NB) weir fishery as the **Preferred Alternative** for the 2016-2018 specifications. The AP recommendation includes a management uncertainty specification of 3,000 mt and a stockwide Atlantic herring ACL of 108,000 mt. The Herring AP also recommends that, in the event that the Council adopts an alternative that includes the NB payback provision, the payback to Area 1A be considered based on catch as of October 1.
- The Herring AP passed a motion (8-3-0) to support the July 22 Herring Committee's recommendation of RH/S Alternative 3 Option 2 (Weighted Mean) as the **Preferred Alternative** for specifying the 2016-2018 RH/S catch caps.
- The Herring AP passed a motion (8-3-0) to recommend Alternative 1 (No Action) as the **Preferred Alternative** for the herring coverage target options in the omnibus IFM amendment.

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

2016-2018 ATLANTIC HERRING FISHERY SPECIFICATIONS AND RH/S CATCH CAPS

Following a round of introductions and a review of the Council's policies regarding Advisory Panels and travel reimbursements, Ms. Steele (Council staff) presented the Advisory Panel with an overview of the Draft 2016-2018 Atlantic Herring Fishery Specifications Document.

- The Herring Advisory Panel spent a considerable amount of time discussing the information provided in the document about the New Brunswick (NB) weir fishery in Canada. Mr. Ryan expressed interest in considering an earlier time than October to return any fish back to the U.S. fishery.
- Mr. Swanson asked for clarification regarding why fish would be returned to the Area 1A fishery under the NB weir payback option. Ms. Steele explained that the Council had included a similar provision in previous specifications and linked the fish to Area 1A because fish caught in the NB weir fishery are assumed to come from the same spawning component as the Area 1A fish (inshore Gulf of Maine).
- Mr. Calomo asked for clarification regarding why the *Preferred Alternative* proposes to reduce catch if the Atlantic herring resource is rebuilt and overfishing is not occurring. Ms. Steele explained that the *Preferred Alternative* is consistent with the SSC recommendation for ABC, and that under the no action alternative, ABC is expected to result in a 54% probability that overfishing will occur in Year 3. This may not be problematic from a biological perspective, but it is from a legal perspective.
- Mr. O'Neill reminded the Advisory Panel that (1) over the three-years that the specifications would be effective, the *Preferred Alternative* would result in 9,000 mt of herring being taken away from the U.S. fishery based on a possibility that the Canadians may catch it, and (2) the Council can make adjustments to the specifications during the interim years if things change significantly. He expressed support for starting the specifications cycle with a less conservative buffer for management uncertainty and then re-evaluating this buffer during the interim years, if necessary.

1. MOTION: O'NEILL/FULLER

To recommend Alternative 2 (Non-Preferred) as the *Preferred Alternative* for the 2016-2018 herring fishery specifications, without out the NB weir payback option (3,000 mt management uncertainty, stockwide ACL 108,000 mt)

Discussion on the Motion: Mr. O'Neill summarized his rationale for the motion based on the recent low catch in the NB weir fishery and the expectation that NB weir catch is not going to increase significantly in the next three years. He stated that he cannot support an option that takes fish away from the U.S. fishery to account for something that might happen in the Canadian fishery. Mr. Fuller added that changes have occurred in the weir fishery based on markets and the cost of maintaining the gear for this fishery. He anticipated that future increases in Canadian herring catch would more likely come from the Canadian purse seine fishery (fishing the 4WX herring stock). Mr. Jongerden noted that when he worked for Stinson, the weir fishery was hit or miss and could always be variable. He added that the sardine market has evolved to a larger-sized fish, which are easier to pack without paying skilled labor, so the sardine market is not sourcing fish from the NB weir fishery as much as it did historically.

MOTION #1 CARRIED 8-3-0.

Dan Ryan suggested that the Herring AP provide a recommendation regarding the timing of the NB weir payback option in the event that the Committee/Council recommend an alternative that includes this option.

2. MOTION: RYAN/NO SECOND

If the Committee/Council adopts an alternative that includes the NB weir payback provision, that the payback be considered based on catch as of September 1 (versus October)

MOTION #2 failed for a lack of a second.

3. MOTION: SWANSON/KLYVER

If the Committee/Council adopts an alternative that includes the NB payback provision, that the payback be given to Area 3 instead of Area 1A

Discussion on the Motion: The Advisory Panel briefly discussed the rationale for the proposed NB weir payback provision and the linkage between fish caught in the NB weir fishery and the inshore Gulf of Maine. Mr. Swanson expressed concern about returning the NB weir payback to Area 1A (Gulf of Maine) and felt that herring in this area should be available for forage. Ms. Steele noted that this approach could be rationalized, since the management uncertainty deduction comes off the stockwide ABC and could potentially be returned to any management area.

MOTION #3 FAILED 3-8-0.

4. MOTION: O'NEILL/CALOMO

If the Committee/Council adopts an alternative that includes the NB payback provision, that the payback to Area 1A be considered based on catch as of October 1

Discussion on the Motion: Most of the advisors expressed support for returning some fish to the U.S. fishery if this can be done in a timely manner, without disrupting the fishery and prior to any sub-ACL closures. October 1 is less likely to cause disruption than October 15.

MOTION #4 CARRIED 9-1-1.

5. MOTION: O'NEILL/BILODEAU

To support Alternative 3, Option 2 (Weighted Mean) as the *Preferred Alternative* for the 2016-2018 RH/S catch caps (current Herring Committee *Preferred Alternative*)

Discussion on the Motion: Mr. O'Neill noted that he and other fishermen are seeing an increase in RH/S abundance. He expressed concern for the potential impacts of the catch caps on the small mesh bottom trawl fleet, particularly as the RH/S stocks continue to rebound. Mr. Kane stated that the estuaries and rivers around Cape Cod are not seeing any rebounds in RH/S and that he cannot support any alternative that would increase the RH/S catch caps. Mr. Ruhle (audience) provided some information about the study fleet and suggested that the study fleet data be considered more thoroughly and the program expanded. He also noted that recent NEMAP surveys are showing increases in RH/S abundance and suggested that this information be provided in the document.

MOTION #5 CARRIED 8-3-0.

OMNIBUS INDUSTRY-FUNDED MONITORING AMENDMENT

Ms. Nordeen (GARFO staff) presented the Herring Advisory Panel with an overview of the herring coverage target alternatives in the omnibus IFM amendment. She also presented an overview of new/additional information and updated economic analyses that are included in the Draft Environmental Assessment for the omnibus IFM amendment. The Herring AP spent considerable time discussing the alternatives and asking questions about the analyses. Several Advisory Panel members expressed significant concern about the costs as estimated for the herring and mackerel IFM alternatives.

6. MOTION: FULLER/MOORE

Recommend Alternative 1 (No Action) as the *Preferred Alternative* for the herring coverage target options in the omnibus IFM amendment

Discussion on the Motion: Mr. Fuller stated that the analyses provided in the document show that the costs outweigh the benefits. Mr. Klyver stated that he cannot support the no action alternative and expressed concern about current observer coverage levels in the herring fishery. Mr. Ruhle (audience) emphasized that the herring fishery is a clean fishery and reiterated his support for the study fleet. He encouraged the AP to support further investment in to the study fleet.

MOTION #6 CARRIED 8-3-0.

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