MEETING SUMMARY

Herring Advisory Panel

Holiday Inn, Portsmouth, NH

March 29, 2016

The Herring Advisory Panel (AP) met on March 29, 2016 in Portsmouth, NH, to make recommendations to the Herring Committee (Committee) on: 1) Georges Bank haddock catch cap accountability measures, 2) Amendment 8 to the Atlantic Herring Fishery Management Plan (FMP), and 3) address other business, as necessary.

MEETING ATTENDANCE: Mr. Chris Weiner (Chairman), Ms. Jennie Bichrest, Mr. John-Paul Bilodeau, Mr. Bert Jongerden, Mr. Raymond Kane, Mr. Zach Klyver, Ms. Meghan Lapp, Mr. Peter Moore, Mr. Gerry O’Neill, and Mr. Donald Swanson. The AP was supported by Council staff Dr. Rachel Feeney (Interim Herring Plan Development Team Chairman) and Ms. Deirdre Boelke, and Ms. Carrie Nordeen (NMFS/GARFO). In addition, about 15 members of the public attended.

SUPPORTING DOCUMENTATION: Discussion was aided by the following documents and presentations: 1) meeting memo; 2) meeting agenda; 3) staff presentation; 4) Herring Plan Development Team meeting summaries of January 21, 2016, February 10, 2016, and March 22, 2016; 5) PDT memo on Georges Bank haddock catch cap AMs (January 5, 2016); 6a) Amendment 8 to the Atlantic Herring FMP Action plan, version 3 (March 2016 update); 6b) Management Strategy Evaluation Workshop overview (March 24, 2016 update); 6c) PDT memo on localized depletion (March 25, 2016); 7) ASMFC update on Amendment 3 to the Atlantic Herring Interstate FMP (March 23, 2016), and 8) Correspondence.

KEY OUTCOMES:

- The AP recommends developing an action to allow flexibility for the herring fishery while ensuring the Georges Bank haddock stock is sustainable. Three motions passed with specific ideas for alternatives.
- Regarding Amendment 8, the AP recommended further PDT tasks to help understand herring, its predators, and the respective fisheries. One motion passed with a specific idea for alternatives regarding localized depletion.
- The AP supported the ASMFC decision to not roll over the fixed-gear set-aside to the Area 1A fishery.
OPENING REMARKS:
Chairman Mr. Chris Weiner opened the meeting at 10:00 AM with no announcements or agenda revisions.

GEORGES BANK HADDOCK CATCH CAP ACCOUNTABILITY MEASURES

Herring PDT update
Dr. Feeney reviewed the Council 2016 priority to consider revising the accountability measures (AMs) for the Atlantic herring fishery Georges Bank (GB) haddock catch cap, and the current cap and AMs. The Herring PDT recommends bringing draft goals/objectives for an action to the April Council meeting and focus discussion on desired goals and alternatives rather than trying to develop an action that would only require Herring PDT/Cte work; this action would require some degree of Groundfish PDT/Cte work.

AP Questions
Mr. Kane observed that only parts of Area 3 and Area 1B are closed due to the accountability measure and suggested that fishing can still occur in the open areas. Dr. Feeney concurred, to the degree that there is herring available. Mr. O'Neill indicated that there is never any herring available in the open areas.

Chairman Weiner asked about the timeframe of the framework. Dr. Feeney clarified that if final action is taken in the fall, it is likely that measures could be implemented by May 2017, but it depends on Council priorities, also that revising the AM would likely be led by the Herring Committee and revising the cap or putting a buffer around the cap would likely require a groundfish or joint action. Regardless, the groundfish PDT and Committee will be involved. She advised focusing on the desired solution and let the logistics get sorted out.

Mr. Jongerden asked about the haddock overage in 2015. Dr. Feeney referred him to the memo, 3.76%. Groundfish fishermen have told him that they are willing to transfer their quota to the herring fishery. He asked if a mechanism similar to the transfer of yellowtail flounder between the groundfish and scallop fisheries could be set up. Ms. Boelke clarified that the mechanism was developed through a joint framework, half-way through the year, NMFS estimates how much yellowtail the scallop fishery is projected to catch. If it seems that there is enough, NMFS transfers the quota.

Mr. Moore noted two concerns: the impact of herring fishing on the haddock stock, and the herring fishery being closed down, and asked if the PDT has clarified the magnitude of haddock bycatch could be sustained. Dr. Feeney noted that the Georges Bank haddock catch limit is under-harvested by about 80% each year. Mr. Moore suggested a means for the Council to decide based on what the stock can sustain.

Mr. Jongerden asked if this should be an emergency action. Dr. Feeney did not recommend that approach, cautioning that GARFO would likely not view this as an unforeseen issue.

Mr. O'Neill recalled his motion that passed at the January AP meeting, to set up a process similar to the scallop fishery with their yellowtail cap, wondering if the motion should be made again. Dr. Feeney encouraged articulation of a problem statement and goal for the action. Mr. O'Neill said that the recent changes in the Standard Bycatch Reporting Methodology that put the herring fishery in this position. We used to have 30% observer coverage, and now there is almost no coverage. The industry is looking for more haddock, because there is less monitoring. I don't want to see haddock on or near my boat.
1. **Motion (Klyver/Kane):** The AP recommends maintaining the Georges Bank haddock catch cap at 1% with no buffer (no action).

*Rationale:* Herring midwater fishing vessels may fish near the sea floor where they may catch significant amounts of haddock, which may be represented in the high amounts of haddock found in lobster bait throughout New England. The catch cap is based on observer data, however midwater trawls may catch more haddock when observers are not present and may already take much more than the present 1% GB haddock catch cap.

Ms. Boelke suggested that the discussion today be more specific. Is the motion from January and Motion #1 the only alternatives that the AP is interested in? Is there an interest in changing the in-season nature of the AM? Motion #1 is in support of No Action, which will be examined.

Mr. O'Neill does not support the motion. The AM area is where the herring are, so he has not been able to fish. Mr. Moore did not support the motion, because he did not view the supposition in the rationale as constructive. Mr. Weiner suggested that the AP advocate for more observer coverage.

Motion #1 **failed** on a show of hands (3/6/0).

Mr. O'Neill asked if it would be possible to consider a seasonal split in the haddock cap. In prior years, he explained that the haddock catch increases during the season, but observed trips in November and December have low haddock catch, so reduce the year-end estimate. With SBRM, he felt that the fishery does not have a chance to log zeros before getting shut down. He hopes that shore-side monitoring will help. Dr. Feeney indicated that a seasonal split can be considered, and how quickly haddock catch has typically occurred in years past. She asked if the AM goes into effect when 100% of the haddock cap is projected to be reached or a lower percentage. Ms. Nordeen indicated 100%.

Mr. Moore asked if the transfer of quota between the groundfish and herring fisheries be a solution to the SBRM problem. Ms. Deirdre indicated that it could help not trigger the AM; in the scallop example, unused yellowtail is given to the groundfish fleet. Doing something similar may be more complicated if haddock needs to be taken from all of the sectors; perhaps a portion of the allocation could be withheld at the beginning of the year. A seasonal split may be simpler.

2. **Motion (Moore/Bichrest):** The AP recommends developing a mechanism similar for transferring Georges Bank haddock from the groundfish fishery to the herring fishery as exists in the scallop fishery with moving their unused yellowtail flounder to the groundfish fishery.

*Rationale:* There should be flexibility for the herring fishery while ensuring the Georges Bank haddock stock is sustainable. Most of the haddock quota is underused and the stock is not in danger of collapse.

Mr. Weiner was concerned that this may lead towards having a directed haddock fishery. Ms. Boelke shared that limits could be established to ease concerns. Mr. Swanson asked if this would apply to Area 1A. Dr. Feeney clarified that the focus of the discussion to date is on Georges Bank haddock. The herring fishery has never been constrained by their Gulf of Maine haddock cap.

*Public comment*

Mr. Jim Ruhle (herring fisherman, NC) — I support the motion, but we’ve lost sight of where we are going. Pair-trawling for groundfish has prohibited for 20 years. Recognize the facts. The management process is bounded by law. National Standard 1 says prevent overfishing while
maximizing the sustainable yield from each fishery. Because of the haddock population expanding, and the inability of the [groundfish] industry to take it, there is an upside-down situation. There are simple solutions that react to what conditions are like. I don’t envision the haddock resource being damaged. The population is strong. If the groundfish fishery is taking <60% of its quota, then a bycatch cap is not needed, because there is no threat. Caps could be suspended until there is a threat. What difference does it make if it’s 1% or 2%? We have more fish, but we can’t access because herring in Area 2 and 3. Haddock and river herring are not there in January-March, when we can’t get there. We have given up tremendous opportunities. Need to look differently. At least splitting the cap would be good. Split in November or October 70%, then 30% for the winter fishery. Be more creative. We are taking 28% of haddock. Consider that there are Study Fleet boats and dockside monitoring. The assumptions about targeting haddock are ridiculous.

Motion #2 carried on a show of hands (6/1/1).

3. Motion (O’Neill/Jongerden): The AP recommends developing an alternative that the Georges Bank haddock catch cap for the herring fishery be increased to 2%, with splitting the cap seasonally: 80% in May - October and 20% November - April.

Rationale: The way the herring fishery operates, having a bit higher haddock cap would allow a seasonal cap to work. In future, if the cap keeps increasing, it will be enough to prosecute the fishery with the SBRM restrictions. This will have a negligible impact on the haddock stock.

Motion #3 carried on a show of hands (6/2/0).

4. Motion (Jongerden/): The AP recommends developing an alternative that would allow the in-season transfer of Georges Bank haddock quota from groundfish sectors to herring vessels.

Rationale: The groundfish sectors have indicated an interest in moving their quota in-season to herring vessels.

Ms. Boelke asked for clarification for how Motion #4 is different than Motion #2 (fleet-wide); is the intent to have the transfer on an individual sector rather than fishery-wide?

4a. Perfected motion (Jongerden/Moore): The AP recommends developing an alternative that would allow an individual groundfish sector to transfer their Georges Bank haddock quota to the herring fishery (individual vessels and/or fishery-wide) for use as a bycatch cap.

Mr. Moore asked if the herring vessel would have to be a member of the sector. Ms. Boelke indicated that it would to receive a groundfish sector¿ quota. This issue was already considered for the scallop fishery, but not pursued. It may be that the quota would be leased. Mr. O’Neill indicated that he has been approached by a groundfish sector member, wondering if he could join and be subject to the same groundfish ASM coverage, but that is not possible presently. He would be interested in buying haddock quota from a sector so he could continue herring fishing. Mr. Weiner cautioned that this approach may take an amendment. Mr. O’Neill supported it as a long-term solution. Ms. Lapp was wary of bringing herring vessels under the groundfish ACE accounting and monitoring system.

Public comment
Rodger Brisson (handgear fisherman) - Do you have any idea how much haddock quota people have in a sector? [Mr. Jongerden replied that each sector has different levels of quota, depending
on the permits enrolled.] With the price of haddock, the fishermen might give it away. If you have to deal with NOAA on the transfer, good luck.

**AP discussion**

Motion #4a **carried** on a show of hands (5/1/2).

Dr. Feeney asked the AP to develop a goal or problem statement for the framework.

5. **Motion (Lapp/Moore):** The AP recommends that this framework allow for flexibility for the herring fishery while ensuring the Georges Bank haddock stock is sustainable.

Motion #5 **carried** on a show of hands (6/0/2).

**AMENDMENT 8 – MSE WORKSHOP**

Dr. Feeney gave a brief update on plans for a public workshop on the Management Strategy Evaluation (MSE) of Atlantic herring ABC control rules, to be held May 16-17 in Portland, ME. With the approval of the workshop goals and objectives by the Committee on March 16, the steering committee is moving forward with fleshing out the agenda and a there will soon be a Council webpage for registering.

Ms. Bichrest recommended notify the Maine and Massachusetts lobster associations. Mr. Weiner encouraged the AP members to help in outreach and asked if attendees need to have technical expertise. Mr. Kane suggested limiting acronyms. Mr. O'Neill suggested that it would help to have some of the technical background to help answer questions and give input. Mr. Klyver asked for some examples from other fisheries. Feeney replied that the public is welcome, there will be technical experts to help the public understand and give input, and will work on having background information.

**AMENDMENT 8 – LOCALIZED DEPLETION**

**Herring PDT update**

Dr. Feeney reviewed the Herring PDT’s progress on the tasks provided to the Committee in January to describe what is known about how forage needs are accounted for, the footprint of the Atlantic herring and predator fisheries, relationships between catches of herring and predators, impacts of potential midwater trawl closures, cod and herring in Ipswich Bay, and the analytical ideas from public scoping. The PDT has focused on summarizing the spatial and temporal footprint of herring and predator (cod, pollock, dogfish, tuna, striped bass, whale watching) fisheries and businesses to the degree possible, but could do more work on other time scales, fisheries, and gear. Strong evidence in the data has not been found for linking herring catches with negative impacts on predators, but even if correlations are found, the PDT reiterated caution that identifying causality is not trivial and will be difficult using just the data available.

**AP questions**

Mr. Kane noted that the Area 1B quota is limited (4,600 mt), and feels that if the quota were higher, more fish would be caught. Dr. Feeney noted that herring catches in 1B occur in the spring and fall, so the quota is not caught all at once, with the exception of 2012. Mr. O'Neill noted that there was low quota in 2012 (~2,700 mt), which is why it was caught early in the year.

Mr. Weiner concurred with Dr. Golet localized depletion is theoretically possible, but very difficult to accomplish and suggested comparing trends in herring and tuna landings. Mr. Moore
recalled Dr. Andy Pershing talking about a decline in the copepod lipid source that herring rely on. In the scale of interest for examining localized depletion, the statistical area is too large. Mr. Moore questioned why large 30 minute squares are being considered for closure. Mr. Weiner suggested that a 30 minute square is more discrete than closing a larger area.

Mr. Klyver asked why the annual average of herring consumption in the assessment is larger than the sum of estimates of individual predator consumption. Dr. Feeney explained that there is some degree of modeling involved.

Ms. Lapp asked how the tuna fishery is monitored. Mr. Weiner said that there is no VMS or fine data on catch. A recent amendment required catch reporting at the dock. There are seasonal splits, but no geographic restrictions. He noted some anecdotal studies relative to the wind farm development to assess impacts. Most trips are day trips. Ms. Lapp asked about the timing of the tuna fishery. Mr. Weiner clarified that, in May, if there is a lot of herring fishing, there's a concern that the tuna season won't get off to a good start. The tuna fishery in the Great South Channel about 10-15 years ago, was epic. Harpooners would get ten. There was spawning herring. It's gone now. What drives people about the back side of the Cape is about what's lost. Guys don't even fish there anymore. There are non-tuna charter guys that care greatly about the back side of Cape too. When Amendment 1 went through, the Area 3 boundary moved to be right off Chatham. There was going to be a buffer off the back side of the Cape, and that got thrown out. Potentially, 40,000 mt could be caught off Chatham. With Walt's data, I've given him accurate data. I don't know why anyone would lie to Walt, but it's proprietary.

Mr. Jongerden spoke of the localized depletion goal of Amendment 8. Is this a fool's errand or can will we have proof that it's occurring? Does NMFS have a budget to study this? This could be a huge amount of effort. Dr. Feeney recalled the same data availability challenges in Amendment 1, and it went through by addressing concerns. Amendment 1 identified localized depletion as a research priority and it hasn't been pursued fully yet. Mr. Jongerden is concerned about jumping to alternatives without having evidence of a problem. Mr. Moore concurred and asked if the Council is proceeding with Amendment 8 in spite of the lack of evidence. Dr. Feeney reminded the AP that this action is still in its early stages. Mr. Moore felt that proceeding with Amendment 1 was a mistake.

Mr. Kane asked what the problem is with the tuna landings; he knows how much tuna catch came from the back side of the Cape. Dr. Feeney clarified that the PDT was tasked with identifying tuna catch locations at sea, not just landings by port, but there are only seven zones where catch is reported from between Maine and Texas.

Mr. Weiner had concerns that the scoping comments are getting ignored. Mr. O'Neill felt that if the Council bans people from making a living, it cannot just be based on speculation or hearsay; there has to be proof. Any localized depletion research to date has been inconclusive, even research by GMRI on my own boats. I can't justify taking away people's livelihoods with no proof.

Public comment
Roger Brisson (fisherman, Gloucester, MA) I'm a cod fisherman; 40 years; out of Gloucester. There's a big ball of herring that move in from the Cape, October, November. It's a winter fishery. Every fish that I catch is full of mostly herring, up until 10 years ago. Coincidence with midwater trawling. I can't justify saying things I can't verify for a fact. I'm a guy by myself making a living for 40 years jigging codfish. The herring disappeared. I can't catch hardly any
cod now. It's down to a handful of herring in their belly. Removing a large amount of herring will have consequences. You have to be blind not to see that. Slowing down a bit might be good.

Ms. Mary Beth Tooley (O’Hara Corp.) – The purse seine vessels from Maine would fish in Gloucester in the 1980s. In the 90s, as the population of herring increased, the herring moved to south of the Cape. Fishing purse seines there was ineffective, so we transitioned to midwater trawls. Herring are fish that move, and there is no guarantee that the fish will show up in the same place. The fact that herring aren’t off Cape Ann anymore has nothing to do with fishing. The fishing at that time was almost entirely purse seine. It had nothing to do with the gear.

Committee discussion

Mr. Weiner indicated that he is concerned about midwater trawling. The story of my life through 2007 is having midwater trawls pound Jeffries Bank the day after we find tuna there. There are areas that we all rely on. You fish that area and we’re not going to have anything. You can try to prove it. It’s too bad that we have a fancy name. That’s why we interact with you all. It’s frustrating. I don’t know if there is a middle ground that we can get to. The two sides are firmly in belief of what they think. There’s something to it.

Mr. Moore asked if it would help to talk about it as a gear conflict. I do not understand the scale. We have a scale issue. In the river herring river process, it was ridiculous at the beginning, we were talking about closing the entire Mid-Atlantic while the events were episodic, sporadic, and localized. Eliminating midwater trawls won’t solve the river herring problem. The PDT has done what it could with the data available. It’s too blunt to justify putting people off the water. It’s not a defensible dataset to justify. We need better information whether and how to resolve this gear conflict. We need to be more rational information to move forward, to have a fair outcome.

Mr. Weiner asked, if Area 1B of 3-4,000 mt is closed, would that put you out of business? If you couldn’t fish off of Chatham. Mr. O’Neill countered, asking if the offshore quota would be increased to compensate for the loss. Mr. Weiner asked if the haddock didn’t shut you down, would that help? Mr. O’Neill indicated that every time a line is drawn, and we are forced to move, there is a problem somewhere else. The 1A closure stopped us except for a few weeks in October. Mostly it’s a GB fishery for the midwater trawl fleet. The problem is haddock. If we could, we would go somewhere else to avoid the haddock, but we can’t. We have nowhere else to go. I can say that problems would be solved if you moved more quota offshore. Just moving quota offshore won’t help, because what happens if the herring don’t show up there. Mr. Jongerden concurred with Ms. Tooley; fish go where they go; which makes area closures hard. Mr. O’Neill would like the herring effort maps overlaid with charts of herring areas. There are many variables that the fishery is subject to; when we lost access to Area 1A, we lost 30% of the fish. The mackerel is showing up on Georges, but we can’t go there.

Consensus statement #1: The AP recommends that the Committee task the PDT with develop heat maps showing herring effort overlaid with all current and proposed spatial regulations to better identify the importance of areas to the fishery and potential impacts of measures developed through Amendment 8, such as: groundfish closed areas (with 15 mi move along), distances 12, 30, 50 mi from shore, stat areas/30-min squares, herring management areas, bathymetry (100 fathom or 200 m depth), ASMFC spatial regulations (spawning closed areas), RH/S bycatch cap areas, and haddock AM areas.
Ms. Lapp wished for more analysis of potential effort displacement; where effort might shift to if there were closures; for every action, there is an equal and opposite reaction. Closures may shift conflicts, not solve them. We need a holistic view of reality.

Ms. Nordeen suggested using the story map approach developed for the scallop fishery. It’s an interactive GIS tool. It shows the regulations in different areas. It’s interactive, on the web.

**Public comment**

Mr. Jeff Kaelin (Lund Fisheries) They commissioned maps by Rutgers. I gave the NEFMC the base maps. We have one set with the Study Fleet information. They are valuable in helping understand where herring are. From MAFMC perspective, as we unravel this spatial conflict, we want to enhance access to mackerel in the winter. Perhaps we could fish in Area 1B in January.

Mr. Ruhle We should explore Jeff’s ideas. In January, Pappalardo and Pierce wanted the 12 mi limit and 30 minute areas to be analyzed by the PDT. The data hasn’t changed. Catch up with 21st century. Study Fleet is so valuable; it started out as tool for self-reporting and studying CPUE. Because of the timeliness of the data, we can create bycatch avoidance maps. It worked well for Lolligo. Made the industry more efficient in catching Loligo. Can see rivers of cold and warm water to find the area most suitable for herring. Apply the technology up here. May find where it’s more favorable for different fish. Find where areas becomes a mixed pot. Use the industry. The technology is there. Bottom temperature and depth. Span that out over 100 boats. This is coming. John Manderson has a model. The agency hasn’t recognized its potential.

Mr. Kaelin this is a fishery that agreed to report daily 5 years ago, and NMFS says it doesn’t have enough data to manage the quota. We are underusing technology. We all have to get along here. [Mr. Weiner concurred.]

Mr. Ruhle The ocean is in constant evolution. There are times of year when we can fish and you can fish. We have to catch up. One thing that hasn’t been mentioned is the reduction in capacity of the midwater trawl. It could reemerge. They went out of business. Give credit to where the effort has reduced potential interactions.

**Committee discussion**

Mr. Swanson said that he is scared of technology, that fishing will occur too fast. The fish won’t be able to reproduce. I’ve watched technology. Every time there was something new, I lost fish. Started with gillnets, the purse seiners wiping out menhaden, then the catch share program, allowing the pair trawlers to fish out Stellwagen. The technology won’t help the fish. Scare me.

Mr. O’Neill urged that there are a lot of impacts to closing areas that need to be considered. Mr. Weiner countered with noting potential positive impacts to other users; there is landings data by port that can be considered. Mr. Weiner felt that the problem with the process thus far is that the Committee tasked the PDT with difficult tasks, rather than starting to develop alternatives; it should be narrowed. Mr. O’Neill urged that the economic information is needed about landings from areas. Dr. Feeney indicated that a lot of that information will be included in the Affected Environment and Environmental Impacts Analysis. Up front, how much information does the Committee need before getting to develop alternatives. Mr. Moore suggested getting more information up front before writing alternatives; to know where the areas of conflict are and how we can separate them; better understand the migratory patterns; don’t ignore tools to allow us to manage with less conflict and more productivity. There are all catch quotas in place to safeguard from negative impacts. Dr. Feeney noted that it is not unusual for the Council to spend some time up front gathering information to identify a problem statement.
Ms. Bichrest asked if the only group to restrict is the trawlers; seiners have the same ability to catch a huge quantity of herring. She has been seining and knows that they are more limited by weather and logistics. Mr. Weiner replied that seiners don't drive the tuna out of an area. He has 100 theories; they can go offshore; they don't have near the fishing power, but the carriers may be an issue. The seine fishery doesn't have the same impact. Seiners complain when the herring are on bottom, because they can't catch it. I will call the seiners and tell them where the herring are. Have there ever been seiners fishing off of Cape Cod. Mr. ONeill cautioned that an unintended consequence is that there will be more seine boats if midwater trawls are excluded; he doesn't doubt that there will be seine fishing off the Cape if trawls are excluded there. Mr. Weiner indicated that the herring on the bottom is key; seiners can fish on the bottom. I agree about thinking about consequences.

Ms. Lapp suggested that there be more analysis of the bottom temperature data to see if it would be useful here.

**Consensus statement #2:** The AP recommends using bottom temperature data to identify key areas of preferable habitat areas for fish (herring and predators).

Ms. Lapp pointed to where the PDT memo indicated that it would be difficult to have localized depletion in areas where herring are migrating.

**Consensus statement #3:** The AP feels that localized depletion is unlikely in areas where herring migrate. Further efforts to identify localized depletion should be in areas where herring are resident (feeding, spawning).

Mr. ONeill asked the AP about reversing the Area 1B seasonal closure, recalling that this was not such a hot topic before that closure went into place. It's a derby fishery now. We are forced into that area at that time. He recalled that it was put in place for ensuring an adequate bait supply. Mr. Weiner concurred. At the time, Mr. ONeill was concerned that this conflict may arise.

**Public comment**

Ms. Tooley—I proposed May originally. The underlying problem is that there's a very small fish in 1B. So, if you open it in January, the entire limit could be taken early. The 1B quota is based on politics, not science. The first thing would be to put more fish there and open up some of the winter months. It would be ridiculous to split the TAC now, because it's so low. Market demand picks up in May, but that dries up quickly. The fall is important. Look at the overlaps and who needs to be where when.

Mr. Kaelin—I've been attending herring meetings since 1986. People forget that in 1B, because it's believed that Georges Bank fish mix there, it where we pushed the IWP's to take pressure off of 1A. 1B was an area where you wanted to have fish to give the industry flexibility. Because of the Cape controversy now, the quota is so low. In 1A, the June 1 start is because the sardine canneries and bait markets didn't want feedy fish. In 1986, there were 11 sardine canneries in Maine. Now, there are none. In those days, the canneries didn't want the fish earlier. Waiting until May 1, we thought it would alleviate effort on river herring, but it caused more problems. I appreciate the discussion. May want an option that would open 1B January 1; its perhaps a way to relieve conflict. We have to look at the allocation. May want to have a buyback program for midwater trawl boats. [Mr. Swanson asked if there are temperature preferences for the different herring species.] We are beginning to understand that with Study Fleet.
6. Motion (O’Neill/Jongerden): The AP recommends developing an alternative that would remove the seasonal Area 1B quota restriction (currently 0% January-May).

Rationale: This would help mitigate user conflict in Area 1B and allow for mackerel fishing if the mackerel are present.

Mr. Klyver opposed the motion. When there was midwater trawl fishing off of Bar Harbor, the boats would follow the fish and he saw a dramatic change and the whales would be gone. His concern is that when temporal closures are changed, the impact of the gear goes unaddressed; the impact when there are no observers has not been addressed. He spoke in favor of an effective monitoring program.

Motion #6 carried on a show of hands (6/3/0).

OTHER BUSINESS

Update on ASMFC Amendment 3

Dr. Feeney updated the Committee on the ASMFC Amendment 3 to the Interstate FMP for Atlantic herring. The ASMFC took final action in February 2016, and implementation is planned for June 1. Amendment 3 pilots a new spawning closure system, modifies the fixed gear set-aside (FGSA) rollover, and includes an empty fish hold provision contingent on adoption of Framework 4 to the Atlantic Herring FMP. Removing the rollover of unused FGSA quota to Area 1 after November 1 would be inconsistent with the 2016-2018 Atlantic Herring Specifications. Ms. Nordeen explained that NMFS does not have the flexibility to remove the rollover, but the Council could modify it in future. The ASMFC is recommending that vessels that do no pump fish be exempt from the empty fish hold provision that the Council is recommending through Framework 4.

Mr. Klyver asked if there is discussion of how we would ensure the fish holds would be empty. Ms. Nordeen suggested that we wait for the decision on approving Framework 4. Mr. Weiner asked about Framework 4 timing. Ms. Nordeen hoped to have a final rule before the April Council meeting.

Dr. Feeney encouraged a discussion on the FGSA. NMFS can’t change the Council recommendation and asked if the AP is interested in allowing the fixed gear fishermen to keep their quota for the whole year. Ms. Bichrest said that last year, there was some fish in Bristol/Boothbay late in the year that the fixed gear couldn’t harvest, and her company could have benefited. Mr. O’Neill was inclination to let the fixed gear fishermen use it. Getting under 295 mt on November, no one will reopen the fishery for that small amount. If those guys can catch it, then do so.

Consensus Statement #4: The AP supports the ASMFC decision to not rollover the FGSA to the Area 1A fishery (currently, after November 1, any unused FGSA quota is rolled into the Area 1A quota).

On the empty fish holds, Mr. O’Neill recalled talk about having waivers for reasons that you have to take fish back out.

The meeting adjourned at 3:55 pm.