



New England Fishery Management Council

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

MEETING SUMMARY

Herring Committee

DoubleTree by Hilton, Danvers, MA

March 16, 2016

The Herring Committee (Committee) met on March 16, 2016 in Danvers, MA to make recommendations to the Council on: 1) preliminary preferred alternatives for the herring alternatives in the Industry-Funded (IFM) Monitoring Omnibus Amendment, 2) a potential future monitoring set-aside program, 3) goals and objectives for a public workshop on the Management Strategy Evaluation of Acceptable Biological Catch control rules to be developed through Amendment 8 to the Atlantic Herring Fishery Management Plan (FMP), and 4) address other business, as necessary.

MEETING ATTENDANCE: Mr. Peter Kendall (Chairman), Mr. Vincent Balzano, Mr. Peter Christopher (NMFS/GARFO), Mr. Doug Grout, Mr. John Pappalardo, Dr. David Pierce, Ms. Mary Beth Tooley, Mr. Jeff Kaelin and Mr. John McMurray (MAFMC), Mr. Eric Reid (absent: Dr. Matthew McKenzie/Vice Chair and Mark Gibson); and Mr. Chris Weiner (Herring AP Chairman). The Committee was supported by Council staff members Dr. Rachel Feeney (Interim Herring Plan Development Team Chairman), Ms. Maria Jacob (IFM Amendment Council staff contact), Dr. Jamie Cournane, Ms. Deirdre Boelke, and Mr. Chris Kellogg; Ms. Carly Bari, Mr. Daniel Luers, and Ms. Carrie Nordeen (NMFS/GARFO); and Mr. Mitch MacDonald (NOAA General Counsel). 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, 3a) Industry-Funded Monitoring Amendment Draft Environmental Assessment (September 2015), 3b) IFM Discussion Document (March 2016), 3c) IFM Decision Document (March 2016), 3d) Staff presentations on Herring Alternatives (March 2016), 4a) Management Strategy Evaluation Workshop overview, and 4b) Staff presentation on Amendment 8.

KEY OUTCOMES:

- A recommendation that the IFM Amendment move forward for public comment without the selection of preliminary preferred alternatives.
- Consensus that a framework adjustment should be initiated at the April 2016 Council meeting to consider revising the Georges Bank haddock catch cap accountability measures.

OPENING REMARKS:

Chairman Mr. Peter Kendall opened the meeting at 9:00 AM, indicating that the AP report would follow the presentations on alternatives and impacts analysis, and that the topics covered under the data utility agenda item would be included in the biological impacts discussion. Dr. Feeney asked that, under Other Business, the Committee discuss timing of a potential framework regarding the Georges Bank haddock catch cap accountability measures (a 2016 Council priority).

AGENDA ITEM #1: INDUSTRY-FUNDED MONITORING (IFM) AMENDMENT - REVIEW/DISCUSS HERRING COVERAGE TARGET ALTERNATIVES, INCLUDING SUB-OPTIONS, AND DATA UTILITY FOR DIFFERENT TYPES OF MONITORING PROGRAMS (CARRIE NORDEEN AND CARLY BARI, GARFO)

GARFO Presentation on Herring Coverage Target Alternatives

Ms. Carrie Nordeen presented an overview of the Industry-Funded Monitoring Amendment, including the purpose and need, the range of herring coverage target alternatives and sub-options for the herring coverage target alternatives, how current herring data are used, and description of what data would be collected by different monitoring types. The herring coverage target alternatives would address the following objectives: (1) accurate estimates of catch, including retained and discarded catch; (2) accurate estimates of incidental catch for which catch caps apply (i.e. haddock, river herring, and shad); and (3) affordable monitoring for the herring fishery. There are seven herring coverage target alternatives for consideration, including Alternative 1/No Action, to address the disapproved measures in Amendment 5 to the Herring Fishery Management Plan (FMP). IFM coverage is being considered for the midwater trawl fleet, the purse seine fleet, and the small-mesh bottom trawl fleet. Monitoring options being considered for the midwater trawl fleet include Northeast Fisheries Observer Program-level (NEFOP-level) monitoring coverage, At-Sea Monitoring (ASM) program, and electronic monitoring program to be used in conjunction with a portside sampling program. Monitoring options being considered for the purse seine fleet and small-mesh bottom trawl fleet include NEFOP coverage and ASM coverage. Ms. Bari provided an update that GARFO is currently working on the program development for an electronic monitoring pilot project and an interface to receive portside sampling data, expected to both start in 2016 with funding secured by end of fiscal year. The electronic monitoring pilot project is estimated to run for approximately one year, and the results of the pilot project along with the results of other regional electronic monitoring programs would inform the implementation details for an implemented electronic monitoring program for the midwater trawl fleet, if the Council approves such measures for the midwater trawl fleet.

Ms. Nordeen clarified that the revised Standardized Bycatch Reporting Methodology (SBRM) Amendment prevents observer coverage from being allocated independent of SBRM. Amendment 5 to the Herring FMP required 100 percent coverage on midwater trawl vessels fishing in Groundfish Closed Areas. Therefore, when there is no SBRM coverage assigned to a midwater trawl trip, midwater vessels would not be able to fish in the Groundfish Closed Areas. Herring Alternatives 2.5 and 2.6 would increase observer coverage on midwater trawl vessels fishing in Groundfish Closed Areas during years when National Marine Fisheries Service is able to cover all or some of its administrative costs for these IFM programs.

Committee discussion on the presentation

Ms. Tooley raised concerns that the details regarding the implementation of an electronic monitoring program would remain unknown while the Amendment moves forward with the

Council taking final action. Ms. Bari stated that the time lag between final action (June 2016) and implementation (2017) would be greater if the Council delayed final action (i.e. later than June 2016). Ms. Bari stated that the electronic monitoring pilot project would inform the technical specifications of an electronic monitoring program in the midwater trawl fleet (if the Council takes action to select electronic monitoring for the midwater trawl fleet under a Herring IFM Program). Ms. Tooley stated that she would prefer to have more details on the electronic monitoring pilot project, which is consistent with other Council actions for similar measures. Ms. Nordeen also stated that the details of electronic monitoring requirements would be addressed in the vessel monitoring plans, and the pilot project will inform the specification for vessel monitoring plans, to allow for flexibility to adjust the electronic monitoring program as needed without changes to regulations. In response to questions raised by Mr. Kendall on the details of the pilot projects, Ms. Bari clarified that the parameters for the pilot project would be developed by GARFO, in collaboration with the NEFOP staff familiar with the groundfish electronic monitoring program. In addition, Ms. Bari clarified that the number of midwater trawl vessels expected to participate in the electronic monitoring pilot project remains unknown. Ms. Bari stated that the results on the electronic monitoring pilot project would be ongoing throughout the project, with some results expected in 2016.

Mr. Balzano stated that the SBRM data would be used to monitor catch caps according to the information presented. Mr. Balzano expressed concerns that there are only six observed trips that triggered the haddock catch cap, and asked how ASM would improve the monitoring of catch caps. Ms. Nordeen clarified that SBRM data is currently used to monitor catch caps, but certain types of monitoring programs under consideration for the Herring IFM Program could also be used to monitor the catch caps. Mr. Balzano raised concerns that the electronic monitoring details, specifically the vessel monitoring plans, would remain unknown when the Council is expected to select monitoring measures. Ms. Nordeen indicated that information from existing electronic monitoring programs and some information from the pilot project would be available prior to implementation of the electronic monitoring program for the midwater trawl fleet.

Mr. Pappalardo expressed concern with the Council taking action in June, and expressed concerns that the New England Fishery Management Council and Mid-Atlantic Fishery Management Council are not involved in the process for developing the electronic monitoring pilot project, which does not ensure that the developed measures would address the Council's intentions. Dr. Pierce expressed concerns that at-sea monitors would collect biological information, such as scales and otoliths, when these monitors should focus on characterizing the nature of the catch instead of collecting biological samples. Dr. Pierce also expressed concerns that as currently described (discard-only catch information would be collected by herring at-sea monitors), the design for the program would be impeded and eroded from doing what needs to be done – to better characterize the catch. Ms. Nordeen clarified that the current sampling design was developed to save costs, and that the Committee did not specifically request that ASMs collect biological samples, and suggested that the Committee consider doing so. Ms. Nordeen also clarified that the Groundfish ASMs do collect all catch information (i.e. kept, incidental, and discarded catch).

Mr. Reid stated that the timeline for implementation for this action is inappropriate and irresponsible if it takes place prior to the completion of the pilot project, because the Committee is uninformed about the details of the electronic monitoring program and perhaps misinformed, particularly regarding the economic impacts of an ASM program.

Ms. Tooley expressed concerns with the current ASM program sampling design (i.e. collecting discard-only information and biological sampling information), which would not keep these samplers busy onboard these vessels. Since haddock on Georges Bank is not discarded, this information would not be collected by ASMs. Therefore, at-sea monitors should collect all catch information. Ms. Jacob provided a slide on preliminary catch cap information for the 2015 fishing year, which was provided in the discussion document, which shows that 0.6 metric tons of Georges Bank haddock catch was discarded, and 235 metric tons of Georges Bank haddock catch was incidental kept catch. The information also shows that 13.8 metric tons of river herring and shad was discarded for Cape Cod, Gulf of Maine, and Southern New England stocks, and 163.3 metric tons of river herring and shad was incidental kept catch. Herring at-sea monitors would only collect information on discarded catch under the current sampling design for Herring ASMs.

Mr. Kaelin also raised concerns regarding data quality collected by at-sea monitors if they do not complete the high-volume training. If the herring at-sea monitors aren't trained to properly collect catch composition information, then electronic monitoring should be used, reiterating the importance of data quality. Mr. Kaelin also asked whether the observer data on haddock catch in the groundfish closed areas is provided in the document. Ms. Nordeen referred to Appendix 6 to the discussion document, which provides information on observed catch within the groundfish closed areas.

Audience comments and questions on the presentation

Dr. Cournane raised concerns regarding the ASM sampling design, and asked Ms. Nordeen to clarify the differences between a NEFOP-level observer and groundfish ASM. Ms. Nordeen clarified that Herring at-sea monitors were designed to collect discard-only information to save costs (compared to NEFOP-level observers). In addition, Ms. Nordeen clarified that NEFOP-level observers receive high-volume training, are required to obtain a Bachelor's degree, and must be in good standing with regards to data quality. Ms. Nordeen questioned whether it is appropriate to have Herring at-sea monitors collect all catch data on high-volume trips when these at-sea monitors have less training and less education requirement. Ms. Nordeen also questioned whether NEFOP-level observers also trained as a herring at-sea monitors would be willing to accept a lower pay rate for at-sea monitoring.

Dr. Cournane asked how the at-sea monitoring data would be used to monitor catch caps in the herring fishery. Ms. Nordeen responded that this information would be covered in the biological impacts discussion. Dr. Cournane asked for clarification on the coverage outcome under the 100 percent coverage option, where a vessel may also be selected for observer coverage under SBRM for the same trip where IFM coverage is required. Ms. Nordeen stated that SBRM selection is the first tier for coverage under the Pre-Trip Notification System (PTNS), and the IFM selection would be a second tier for coverage selection. Ms. Nordeen explained that IFM at-sea monitors or IFM observers would not be selected to cover a trip assigned to SBRM coverage, but that an IFM NEFOP-level observer or at-sea monitor could be selected to cover a trip already selected for portside sampling, to compare the information collected on these trips. Dr. Cournane also commented that the approach in the groundfish plan differs from the herring plan approach, stating that the groundfish Framework 48 approach offered two options to sectors – electronic monitoring or at-sea monitoring coverage. The groundfish approach used ASM program in the interim while the electronic monitoring program was under development.

Ms. Meghan Lapp (SeaFreeze, Ltd) asked whether the coverage levels were in addition to SBRM, or inclusive of SBRM coverage levels. Ms. Nordeen clarified that the IFM coverage

levels are in addition to SBRM and not combined. Ms. Nordeen explained that the SBRM fishing year starts in May, while the herring fishing year begins in January, so the timing disconnect would make this option challenging. In addition, Ms. Nordeen explained that at-sea monitoring coverage would be further stratified, which may make an additive approach challenging as well, and clarified that this option would need technical staff input to determine its feasibility. Ms. Lapp also stated that the small-mesh bottom trawl fleet is covered at a 31-percent coverage rate and would be more impacted by coverage target levels if they are not additive to include SBRM coverage, compared to the purse seine and midwater trawl fleets. Ms. Lapp asked whether there are plans to re-evaluate the economic impacts to the fishery over time, because fishing operations may change. Ms. Nordeen stated that Sub-Option 4 does allow for a re-evaluation of the program, which could include an economic evaluation and data utility evaluation.

Mr. Shaun Gehan (ad-hoc Pelagics Coalition) asked for the agency's (NMFS) position regarding fleet-based versus permit-based approach for purse seine and midwater trawl vessels. Ms. Nordeen responded that this will be discussed under data utility discussion. Ms. Nordeen stated that there are fleet-based options for the midwater trawl fleet, and stated that there are some complications with Category C vessels that may use midwater trawl gear. Mr. Gehan asked for the timeline for implementation of electronic monitoring. Ms. Bari explained that if the equipment is leased versus bought, there may be a time lag if action is delayed and the equipment is removed from the vessels at the end of the pilot project, which may increase the time necessary to implement the program after final action. Mr. Gehan asked whether the agency would have the funds to process the portside sampling data on an ongoing basis, regardless of the funding source, state-funded or industry-funded. Ms. Nordeen clarified that this amendment does not guarantee funding by the agency, but it establishes targets for monitoring which the agency can fund when there are funds available to do so.

Ms. Erica Fuller (Earth Justice) asked whether there was analysis of groundfish catch provided in the discussion document to compare catch rates inside versus outside the groundfish closed areas. Ms. Nordeen affirmed that this analysis was completed during the development of Amendment 5 to the Herring FMP. Ms. Fuller asked if the analysis was updated after 2010. Ms. Nordeen explained that the analysis on groundfish catch does not include observer data collected after the Amendment 5 measures increased observer coverage in the groundfish closed areas, because there may be a change in behavior regarding areas fished if the observers were not available to cover herring trips in groundfish closed areas. Ms. Fuller asked whether there is information compiled on fishing effort (i.e., length of trip and number of tows) after 2015, when coverage rates were reduced to five or six percent observer coverage. Ms. Nordeen responded that the information was not analyzed, but that there have been changes in the fishery, including Amendment 5 implementation in 2014 and the revised SBRM Amendment in 2015, which have impacted fishing effort within the groundfish closed areas. Ms. Fuller asked whether there is any effort to look at the changes in the fishing behavior by the midwater trawl fleet when there was a change in coverage from 30 to 40 percent to 5 to 6 percent. Ms. Nordeen responded that this information has not been investigated.

Mr. Gerry O'Neil (Herring Advisory Panel and Observer Policy Committee member) responded to Ms. Fuller's question, stating that there is likely less trips within the groundfish closed areas due to the availability of observers to cover these trips. Mr. O'Neil explained that his vessel chose to fish in the groundfish closed area when selected for coverage only because the vessel had access to the groundfish areas on those observed trips, and not based on availability of fish.

Mr. O’Neil explained that the midwater trawl fleet would like access to these areas, but are subject to observer coverage in order to access these areas.

AGENDA ITEM #2: IFM AMENDMENT - REVIEW/DISCUSS REVISED ECONOMIC IMPACTS

Staff Presentation on Economic Impacts Herring Coverage Target Alternatives

Ms. Carrie Nordeen presented the economic analysis of the herring coverage target alternatives, including revised cost assumptions for electronic monitoring and portside sampling. The impact analysis was revised in order to address concerns raised during the Observer Policy Committee meeting and Council meeting in September 2015.

Committee discussion on the presentation

Dr. David Pierce asked whether the information provided in the estimated impacts on paired midwater trawl vessels are return to owner estimates or gross revenue. Ms. Nordeen clarified that the return to owner is likely lower than gross revenue, and the median return to owner estimate is the median value for the fleet, and that the percentage reduction in would apply to that median return-to-owner estimate. Dr. Pierce asked for an explanation of the difference in monitoring costs, represented by a reduction in RTO and reduction in revenue, for slides 23 and slide 28 respectively. Ms. Nordeen explained that the differences are largely due to the difference between revenue and return-to-owner estimates, and suggested that the Committee focus on costs in relation to reduction in return-to-owner estimates.

Mr. Doug Grout asked if the monitoring costs include funding provided from other sources (i.e. Maine and Massachusetts portside sampling program and Atlantic Coastal Cooperative Statistics Program funding). Ms. Nordeen explained that the portside sampling costs are independent of existing portside sampling programs and funding. However, there may be options to collaborate with the states to use the same resources and reduce costs.

Mr. Grout raised concerns regarding the language provided page 18 of the discussion document: “The rate of review may be adjusted by NMFS during implementation, in cooperation with Council staff, to use the optimum and most cost effective rate to achieve management goals.” Mr. Grout stated that the Council should be given the opportunity to provide feedback on any consideration regarding deviations from the Council-selected coverage targets. Ms. Bari indicated that this language could be modified in the Draft EA.

Mr. Grout also raised concerns regarding the language in the discussion document that suggests there may be limitations in landing in some locations if portside sampling at particular ports is not possible. Ms. Nordeen clarified that the logistics regarding sampling in ports not currently sampled by the state portside sampling program would be addressed, with input from existing portside samplers. In addition, Mr. Grout asked if the accuracy of river herring/shad and haddock catch cap estimates would be impacted if particular ports could not be sampled. Ms. Nordeen stated that GARFO’s consideration of the Council’s request that GARFO use portside sampling to monitor herring fishery catch caps would take place this summer, and would evaluate existing data to determine if there are variations in the data for those vessels sampled portside and those vessels not sampled if landing in a port not currently sampled. Mr. Kendall referred to the language on page 20 of the discussion document that states: “However, if certain ports are not suitable for portside sampling, then vessels may not be able to land in those ports on trips that are selected for portside sampling.” Ms. Tooley explained some vessels do currently land in Vinalhaven, and the island community is heavily dependent on the herring bait for its lobster fishery. These herring vessels pump directly onto lobster bait containers on floats,

making portside sampling difficult from the dock.¹ In addition, in some cases, only part of the catch is offloaded in Vinalhaven, and the remainder of the catch is offloaded in Rockland, Maine. The other pair trawl vessel lands in Rockland where all of its catch is offloaded and available for sampling. Ms. Tooley expressed concern that the portside sampling program should not create an incentive in which vessels choose to land in particular ports in order to avoid portside sampling coverage, but does not want the portside sampling program to penalize a fishing community that is dependent on these herring landings. Ms. Nordeen clarified that these potential restrictions on portside sampling locations would only apply for those trips selected for portside sampling coverage, and the economic impacts would be analyzed for that vessel not able to land in their preferred port. Mr. Kaelin also explained that there is a separate port in South Portland, Maine. Mr. Reid clarified that the Kingston, Rhode Island port is not sampled portside simply because the product is landed frozen and is therefore not available for sampling.

Ms. Tooley raised concerns that the tables on page 65 of the document do not include any language regarding the overall range of impacts (i.e., highest versus lowest impact). Ms. Bari explained that the tables express the variability in costs for each component of the fishery. Ms. Tooley stated that it is important to show the public that these measures really will put some vessels out of the fishery, particularly because the public's perception is that these vessels are large and therefore able to cover these monitoring costs, but these outcomes are possible for those vessels more dependent on herring for revenue. Ms. Nordeen stated that language could be added to these tables.

Audience comments and questions on the presentation

Mr. Chris Kellogg asked whether the depreciation on vessel or amortization over a fixed period are included in the economic impacts provided on page 51 of discussion document (Table 13). Ms. Nordeen indicated that the principal payments on business loans are excluded from the estimates. Mr. Kellogg stated that it is not explicitly stated whether the depreciation on vessel value is excluded from the estimates, and suggested that this information be clarified in the document. Ms. Nordeen stated that she would contact Andrew Kitts to provide clarification on the issue.

Ms. Meghan Lapp (SeaFreeze, Ltd) asked whether it was possible to only look at herring return-to-owner estimates for herring landings only. Ms. Nordeen responded that it may be possible, but would contact Andrew Kitts to determine if it is feasible to do so. Ms. Lapp raised concerns that the SeaFreeze vessels would be impacted greatly since the selection of coverage is based on fishing intent and not realized fishing effort, and provided examples in which vessels declared into the herring and squid fishery but landed squid only, and vice-versa. Ms. Nordeen indicated that it may be possible to investigate economic impacts based on trip declaration, but would have to consult with Andrew Kitts on the issue.

Mr. Zack Klyver (CHOIR Coalition) stated that the economic impact may be missing the variability in ex-vessel price for herring. Mr. Klyver stated that it may be useful to provide information on catch per day of fishing effort compared for 2014 and a 5-year to 10-year data series. Ms. Nordeen explained that this information is not provided in the document because the survey was based on 2014 only.

Brad Schondelmeier (MA DMF Portside Sampling Program) stated that the Atlantic Herring Research-Sea-Aside would fund the portside sampling program through 2018. In addition, Mr. Schondelmeier clarified that not all ports within a particular city are samples (i.e. New Bedford

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and Gloucester). In addition, Mr. Schondelmeier explained that the Massachusetts portside sampling protocol is opportunistic and not random, and encourages coordination with GARFO to make sure the data collected can be used in conjunction with other portside data if that is the intent.

AGENDA ITEM #3: IFM AMENDMENT - REVIEW/DISCUSS BIOLOGICAL IMPACTS

Staff Presentation on Biological Impacts Herring Coverage Target Alternatives and Data Utility

Ms. Carrie Nordeen presented the data utility and biological impact analysis of different coverage levels. Ms. Jacob reminded the Committee that the MAFMC would meet prior to the NEFMC meeting in April to consider preliminary preferred alternatives for the mackerel fishery.

Committee comments and questions on the presentation

Ms. Tooley commented that the variations regarding the fleet and permit-based coverage options are minor for the herring fishery compared to other fisheries. Ms. Nordeen stated that the monitoring goals for the herring fishery were not articulated until July 2015. These goals focus on catch information, and not stock assessment information. Ms. Nordeen stated that it is acceptable to allocate by permit category if the goals for the Herring IFM Program are catch monitoring.

Audience comments and questions on the presentation

Mr. Chris Weiner (tuna fisherman, Coalition for the Atlantic Herring Fishery's Orderly, Informed, and Responsible Long-Term Development (CHOIR coalition², American Bluefin Tuna Association) cautioned against the conclusion that there are no positive biological impacts to some of the alternatives, because electronic monitoring and at-sea monitoring would report on whether slippage events occur. Mr. Weiner also raised concerns that slippage consequence is not addressed in this action. In addition, Mr. Weiner raised concerns that there may be a change in fishing behavior if vessels are notified about portside sampling coverage selection prior to sailing. Ms. Nordeen asked whether the Committee would like to apply the slippage reporting requirements and slippage restrictions to trips selected for coverage by the IFM at-sea monitors and portside samplers. In addition, Ms. Nordeen stated that changes in fishing behavior would be captured through the electronic monitoring footage.

Mr. Greg Wells (Pew Charitable Trust) asked why slippage measures would only apply to trips selected for portside sampling. Ms. Nordeen stated that the slippage restrictions were in place to allow catch to be sample onboard when there is an observer onboard. This logic extends that logic when the catch would be sampled. Mr. Wells stated that slippage events could be discouraged through the use of electronic monitoring.

Dr. Jamie Cournane raised concern that the biological impacts section includes minimal information on biological impacts, referencing catch tracked against catch caps for 2015, and does not include additional biological impacts discussion from previous analysis. In addition, the information provided for biological impacts is largely qualitative, although there is information from previous actions that could help inform the biological impacts discussion. Dr. Cournane asked whether previous analysis would be incorporated into the document. Ms. Nordeen responded that the Coefficient of Variation (CV) analysis is difficult because the coverage options are based on permit categories in some cases. Ms. Nordeen explained that the

² CHOIR is the Coalition for the Atlantic Herring Fishery's Orderly, Informed, and Responsible Long-Term Development

discussion became qualitative for this reason and is therefore not based on CVs. Dr. Cournane asked whether baseline information would be provided to help inform the Council on monitoring the fishery in the past, to better articulate the changes to the Herring FMP. Dr. Cournane explained that past performance metrics could inform Council's consideration on the changes to the herring monitoring program.

AGENDA ITEM #4: HERRING ADVISORY PANEL REPORT

Herring Advisory Panel (AP) Chairman Mr. Chris Weiner gave the AP report from their meeting on March 15, 2016.

Key outcomes of the Advisory Panel meeting:

- The AP recommends, as a preliminary preferred alternative, Alternative 2.6 with sub-option 1.
- The AP also recommends sub-options 2, 4, and 5.

Committee questions of the AP

Mr. Weiner clarified that the sub-options are all inclusive, including sub-option 1. Mr. Grout asked whether Herring Alternative 2.5 or 2.6 are necessary, in addition to selecting one of the Herring Alternatives 2.1 through 2.4, to change the status quo for the groundfish closed areas. Ms. Bari affirmed that selection of Herring Alternative 2.5 or 2.6 would be necessary in order to apply the same level of coverage within the groundfish closed areas. Mr. Grout also stated that a definition of haul-back is defined in the document, and asked Mr. Weiner for clarification on the concern regarding the definition of haul-back. Mr. Weiner stated that the end time after the camera is turned on is not currently defined in the document. Ms. Bari stated that the particular details for electronic monitoring camera operations would be better addressed in the vessel monitoring plans. Mr. Reid stated that the document defines a tow, and does not define a haul-back, which needs a clear definition in the document.

AGENDA ITEM #5: IFM AMENDMENT - DEVELOP RECOMMENDATIONS FOR PRELIMINARY PREFERRED ALTERNATIVES FOR THE HERRING FISHERY

Chairman Kendall opened the floor for motions.

1. Motion (Reid/McMurray): Recommend to the Council to postpone to a time certain further development of the IFM Amendment until the Electronic Monitoring Pilot Program and the data and experience it produces can be incorporated into the draft amendment.

Rationale: There are a number of uncertainties with electronic monitoring currently. Since the pilot program has not started yet, the "best available science" will be generated in the future, and it is premature to establish electronic monitoring in the fishery. Electronic monitoring may be used in other fisheries besides herring, so the entire IFM should not go forward at this time until this new monitoring system is further developed.

Public comment

Mr. Chris Weiner (Tuna fisherman, CHOIR coalition, American Bluefin Tuna Association) urged the Committee to discuss how the document will lead to management action at some point.

Dr. Jamie Cournane provided clarifications regarding the options available to the Committee: (1) select preliminary preferred alternatives; (2) further refine alternatives under consideration for Council discussion; and (3) identify additional work needed prior to the Council meeting if no

preliminary preferred alternatives are selected. In the groundfish FMP, the Council allowed for electronic monitoring to be approved in the future by selecting ASM or electronic monitoring as coverage options for the groundfish fleet.

Patrick Paquette (CHOIR member and recreational fishing advocate) stated that Motion 1 makes the most sense. Mr. Paquette spoke in support of moving the omnibus components to the IFM Amendment forward, and suggested splitting the IFM Amendment to avoid a delay in action.

Greg Wells (PEW Charitable Trust) stated that the criteria that the pilot project would investigate should be discussed, given the Committee's discussion.

Committee discussion

Ms. Tooley expressed support for refining the alternatives, and re-visit Motion 1 at the conclusion of the Committee's consideration for alternatives in the IFM Amendment.

1A. Motion to table (Tooley/Kaelin): Table Motion #1 until the Herring Committee finishes with considering preferred alternatives at today's meeting.

Rationale: The Committee should spend some time discussing the alternatives, see if there are any adjustments to recommend and consider the timeline of review and how the Council will engage in the process.

Motion to table **carried** on a show of hands (6/3/1).

2. Motion (Pierce/Pappalardo): Recommend to the Council that Herring Alternative 2.3 be selected as a preliminary preferred alternative, with 50% at-sea monitoring coverage and 50% portside sampling coverage.

Rationale: Reflecting on the one intent of Amendment 5, to have the industry share monitoring costs, and broad support for 100% NEFOP-level coverage for Category A and B herring vessels (p. 12 of discussion document), this alternative and coverage levels would most nearly resemble what was desired through Amendment 5. Herring Alternative 2.3 was supported by the Herring Advisory Panel at their March 15, 2016 meeting.

2a. Motion to substitute (Tooley/Kaelin): Recommend to the Council to modify Herring Alternative 2.3 as such:

“Would apply a combination of monitoring coverage for **Category A/B** vessels:

- “Category A and B vessels would be required to carry an at-sea monitor on every declared herring trip selected for coverage by NMFS. Chose an at-sea coverage target (25%, 50 %, 75%, or 100%); or
- “Would apply the use of an electronic monitoring system and portside sampling of catch on Category A and B vessels. For electronic monitoring, chose a recording rate of 100% during haul-back only. For portside sampling, chose a portside sampling rate of 25%, 50%, 75% or 100%.”

Rationale: Before selecting a preferred alternative, this motion would help the alternatives be more beneficial. In Amendment 5, the Council wanted the 100% coverage to apply to all category A and B vessels, rather than to particular gear types. Herring Alternative 2.3, as written, would apply coverage by gear type. This modification would be closer to Amendment 5 and would be similar to the groundfish monitoring program. This would give everyone impacted a way to participate in developing a workable program.

The motion to substitute **failed** on a show of hands (2/7/1).

Public comment on Motion 2A:

Mr. Chris Weiner raised concerns that the motion would force the development of electronic monitoring for the purse seine and small mesh bottom trawl fleet, and the pilot project would only focus on the midwater trawl fleet. Mr. Weiner raised concerns that the agency may not be able to cover the administrative costs for electronic monitoring on all Category A and B vessels.

Committee discussion

Dr. Pierce spoke in favor of the substituted motion to include ASM as an option for the midwater trawl fleet, but would prefer a specifies coverage level be defined in the motion, but would be amenable to the motion if the intent is to defer to the Council to select specific coverage targets for these monitoring types. Mr. Grout raised concerns that Herring ASMs as currently defined may not meet the goals for monitoring catch caps since slippage events are rare on purse seine vessels and the midwater trawl fleet, and the ASMs would not collect information on river herring, shad, and haddock incidental catch. Ms. Tooley agreed with Mr. Grout's comment, and stated that the focus for ASMs should also be discussed by the Committee.

Mr. Grout raised concerns that the alternatives are additive and not inclusive of NEFOP coverage. Ms. Tooley stated that the ASM duties should be discussed separate from the motion, since the Committee is generally in support of collecting information on river herring, shad, and haddock catch. Mr. Kaelin stated that only purse seine and the small mesh bottom trawl fleet would be subject to ASM coverage under Herring Alternative 2.3, recognizing that the agency may have funds in the future. In addition, allowing ASMs to be trained in the high-volume fishery certification would allow ASMs to collect catch composition information. Mr. Kaelin stated also stated that portside sampling should also be an option for the purse seine fleet, because these vessels compete with the midwater trawl fleet for the same market with differing cost structures, and clarified that there are only four or five purse seine vessels in the herring fleet. Dr. Pierce also expressed support for use of the existing portside sampling programs to monitor the fishery's catch cap. Ms. Jacob clarified that the Council's motion and letter to the agency on the use of existing portside sampling data to monitor catch caps is separate from this action. However, some of the details regarding the logistical details for using portside sampling data is being discussed in this action. The herring coverage target alternatives include the use of electronic monitoring in conjunction with portside sampling to achieve the goals for the Herring IFM Program.

Mr. Christopher stated that with slight changes to the document, the Council can take final action in June. However, substantive changes would mean that the Council would not be able to take final action in June if some of these changes are not simple clarifications. Ms. Jacob clarified that the economic analysis is based on the existing groundfish ASM program, which includes monitoring kept catch, incidental catch, and discarded catch. Mr. Pappalardo asked whether the agency is able to fund 50 percent ASM coverage on Category A and B vessels. Mr. Christopher responded that under the current and foreseeable future appropriations, the agency would not be able to provide funding for ASM or NEFOP coverage above SBRM. Mr. Pappalardo also expressed concern that the details regarding the electronic monitoring program are not yet available. Mr. Pappalardo also spoke in favor of de-coupling the omnibus and herring alternatives in the IFM Amendment. In addition, Mr. Pappalardo stated that the document does not fully address the impacts to these alternatives. Mr. Grout spoke in favor of the NEFOP-level coverage being added to the substituted motion. Ms. Jacob clarified that the main difference between NEFOP-level observers and groundfish ASMs are the biological sampling procedures,

including necropsies of marine mammals, and biological sampling for sea turtles and sea birds. Mr. Grout asked whether the sampling design for ASMs could be altered to collect catch and discard information if the economic analysis would be identical. Ms. Nordeen affirmed, and stated that the biological impacts would be different.

2b. Main motion: Recommend to the Council that Herring Alternative 2.3 be selected as a preliminary preferred alternative, with 50% at-sea monitoring coverage and 50% portside sampling coverage.

The main motion **failed** on a show of hands (0/9/1).

Committee Discussion

Mr. Christopher asked whether Dr. Pierce (maker of motion 2b) intended to exclude electronic monitoring from the motion for monitoring coverage on the midwater trawl fleet. Dr. Pierce indicated that it was his error on his part regarding the option for the midwater trawl fleet and that he could therefore no longer support the motion, and stated that a more favorable motion could be made.

3. Motion (Pierce/Kaelin): Recommend to the Council to modify Herring Alternative 2.3 as such:

“Would apply a combination of monitoring coverage based on permit category:

- “Category A and B vessels would be required to carry an ASM on declared herring trips with an ASM target of 25%, 50%, 75% or 100%.”
- “Category A and B vessels would be subject to portside sampling at a rate of 50% or 100%.”

Rationale: Maine and Massachusetts have done a lot of work with its portside sampling programs to better define the nature of haddock catch and overall catch compared to the NEFOP observer. We should not delay the utility of a Federal portside sampling program or to have the portside sampling option attached to the electronic monitoring program. Dr. Pierce spoke in favor of an alternative that would utilize ASM and portside sampling initially, and allow for electronic monitoring in the future to be used in conjunction with some ASM coverage until electronic monitoring proves to be a viable option for use in the fishery. However, Dr. Pierce chose to remain silent on electronic monitoring in the motion itself, because electronic monitoring has not yet proven to be a viable option.

The motion **failed** on a show of hands (1/7/2).

Public comment

Mr. Chris Weiner (Tuna fisherman, CHOIR coalition, American Bluefin Tuna Association) stated that Motion 3 would remove electronic monitoring and cautioned the Committee on removal of electronic monitoring, which is supported by the industry for use in the future. In addition, Mr. Weiner raised concerns that the ASM option is not viable when the agency states that the funding does not exist to fund ASM.

Committee Discussion

Ms. Tooley raised concerns regarding the Committee’s ability to select preliminary preferred alternatives today, and that the motion supports two of the most expensive options in the discussion document, and creates a new and more expensive alternative. Mr. Pappalardo asked for clarification from the agency regarding its lack of ability to process additional data above

SBRM due to appropriations. Therefore, any additional monitoring coverage must be completely paid for by the industry. Mr. Christopher responded that the different SBRM coverage needs must all be met before the agency is able to fund programs beyond SMRM. Mr. Pappalardo asked why the discussion document includes alternatives that the agency cannot approve, although the document is prepared by the agency. Ms. Nordeen stated that the omnibus component to the IFM Amendment establishes a process to allow for selection of non-mandatory coverage levels above SBRM, and a process for prioritizing IFM programs when Federal funding is available, which is the purpose of this amendment. Ms. Nordeen further clarified that the idea is to let the Councils establish a plan for additional coverage needs when funds are available to allow NMFS to administer these programs.

Mr. Grout stated that NMFS does not have funding to implement measures established by the Council through this action. In addition, if such option is chosen, sub-option 1 would also need to be selected in order to prevent the fishery from shutting down in the absence of monitoring coverage. In addition, if the Council selected an alternative to address their goals and objectives, others can appeal to Congress to support funding for these programs. If no action is taken, then Congress is not likely to provide funding for monitoring.

Mr. Terry Stockwell shared concerns regarding monitoring measures above SBRM requirement when the Council does not believe SBRM will not ever be paid for in its entirety. Mr. Stockwell also clarified that the Committee was charged with two tasks: (1) omnibus components to the IFM Amendment, and (2) the disapproved measures in Amendment 5. Mr. Stockwell clarified that Motion 4 only relates to the second Committee tasking.

4. Motion to untable (Tooley/Reid): To untable Motion #1.

The motion **carried** on a show of hands (9/0/1).

4. Untabled motion (Reid/McMurray): Recommend to the Council to postpone to a time certain further development of this amendment until the Electronic Monitoring Pilot Program and the data and experience it produces can be incorporated into the draft amendment.

The motion **failed** on a show of hands (1/4/4).

Committee Discussion

Mr. Kendall raised concern with a delay in action until the data from the pilot program is made available. Mr. Kaelin spoke in favor of moving options forward for public comment because the industry is currently faced with no access to the groundfish closed areas without an observer. In addition, Mr. Kaelin raised concerns regarding the accuracy of the haddock catch cap estimation which prevents the industry from achieving optimum yield. Ms. Jacob asked whether the Committee's intent with this motion is to delay action on the IFM Amendment in its entirety or the herring coverage target alternatives only. Mr. Reid clarified that the intent of the motion is to delay action in its entirety because electronic monitoring, which is not yet developed, is tied to most measures in the amendment. Dr. Pierce expressed support for at-sea sampling through SBRM in conjunction with the existing portside sampling program, and is disappointed by the outcome of Amendment 5, and expressed concerns regarding the likelihood that the public outcry for bycatch concerns in the fishery will resurface. Mr. Pappalardo stated that the Council or its technical group should have some interaction with the agency as the electronic monitoring program is developed, so that we can have the information necessary from the pilot project to inform the Council. Mr. Pappalardo stated that he would prefer that the Committee discuss other ways to address these issues, if the agency is stating that they are not able to fund other

programs. Mr. Christopher clarified that the agency would not disapprove the measures; rather, the programs would be established through this action, but not implemented until Federal funding is available to administer the program.

5. Motion (Christopher/Grout): Recommends to the Council that the IFM Amendment be moved forward for public hearings, but that preferred alternatives not be selected for the herring alternatives at this time.

Rationale: Given the questions and uncertainty discussed today (e.g., electronic monitoring program details) the Committee is not ready to select preferred alternatives at this time.

The motion **carried** on a show of hands (5/2/2).

Public comment

Mr. Weiner (Tuna fisherman, CHOIR coalition, American Bluefin Tuna Association) raised concern with a delay in the process and spoke in favor of the document being made available for public comment to continue action on the document.

Mr. Paquette (CHOIR member and recreational fishing advocate) raised concern regarding the current state of the document being sent forward for public comment, citing similarities with the original outcome of Amendment 5 (i.e. disapproved measures in Amendment 5). Mr. Paquette also raised concerns with a bureaucratic approach to control the Council's action.

Mr. Gehan (ad-hoc Pelagics Coalition) stated that he appreciated Dr. Pierce's effort in the motion. There are ways to improve haddock, river herring/shad catch estimates using data already being collected. As part of the pilot program, some of the implementation costs could be covered through the agency's pilot project.

Ms. Fuller (Herring Alliance) also raised concerns regarding the readiness of the amendment document, with an insufficient discussion on biological impacts analysis and economic analysis based on one year in the fishery and a survey. She spoke in favor of Herring Alternative 2.1, 100 percent observer coverage to address the disapprovals in Herring Amendment 5. In addition, she spoke in favor of 100 percent mandatory electronic camera recording and review of all data, at least initially, monitor compliance with slippage requirements, and sample all catch portside, at least initially. Ms. Fuller also spoke in favor of randomized monitoring coverage.

6. Consensus Statement: The Committee agreed by consensus that the IFM document should be revised as follows:

Clarifications:

- Include analysis of haddock bycatch outside the groundfish closed areas, for bycatch rate comparison inside the groundfish closed areas.
- Improve biological impact analysis to include other quantitative and qualitative analysis (e.g., how past monitoring has affected the CV, coverage levels).
- Describe which ports may not be sampled portside, and analyze the impacts of potentially precluding landings.
- Tables (on page 65 of discussion document) regarding return to owner information needs some context to allow the public and Committee members to understand the impacts, particularly the differential impacts for those vessels considered outliers in the data.
- Clarify in the document whether the RTO information considers amortization (i.e., depreciating value of vessels)

Substantive changes:

- Refine the ASM sampling design and training requirements to better meet the goals identified for the herring coverage target alternatives to improve catch estimation that would inform the catch caps [This clarification requires input from the Council at the April Council meeting].
- Any ASM option should include monitoring of catch that is retained.
- The coverage target percentages currently do not include SBRM coverage, and are described as additive. The Committee supports including SBRM coverage to meet coverage target.
- Modify language on portside sampling to state that the rationale for any deviation to the Council-selected target level for portside sampling and EM review rates should be brought before the Council for consideration.

AGENDA ITEM #6: MONITORING SET-ASIDE PROGRAM

Discussion on the monitoring set-aside program was no longer necessary because the Committee did not select preliminary preferred alternatives for the IFM Amendment.

AGENDA ITEM #7: AMENDMENT 8 TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN

Herring PDT update

Dr. Feeney presented a brief update on Amendment 8 development. In January, the Council voted to develop Acceptable Biological Catch control rule alternatives using a Management Strategy Evaluation approach. An early step in that will be a public workshop May 16-17, 2016. The goals and objectives for the workshop were presented, as drafted by the workshop steering committee. The AP was asked to provide input on workshop planning. Regarding localized depletion, the Herring PDT is working on tasks provided by the Herring Committee in January, and will report out on that at the March 29-30 AP and Committee meetings.

Committee questions and discussion

Ms. Tooley suggested that lobstermen be explicitly included as target attendees of the workshop, as they are highly dependent on the availability of herring in the marketplace, and noted that there is a Large Whale Take Reduction Team meeting in May.

Mr. Kaelin offered that a review of the catch-based method for specifying ABC should be included. Dr. Feeney clarified that the No Action alternative will be evaluated through Amendment 8, and that it would make sense to evaluate it in the MSE to the degree possible.

Mr. Grout asked about room size, speculating that a number of people may be interested in attending. Dr. Feeney clarified that large rooms are being considered. Ms. Boelke recalled that registration for the scallop workshop was required to help with planning.

Consensus statement: The Committee agreed by consensus with the Management Strategy Evaluation goals and objectives as drafted.

The suggestions made will be brought to the workshop steering committee for consideration.

OTHER BUSINESS

Georges Bank haddock catch cap accountability measures

Dr. Feeney asked the Committee to weigh in on when a framework should be initiated to consider revising the accountability measures for the Georges Bank haddock catch cap in the herring fishery, a 2016 Council priority. Ms. Tooley suggested that an action should be initiated at the April Council meeting, with some discussion by the Committee on March 30.

Consensus statement: The Committee agreed by consensus that a framework adjustment should be initiated at the April 2016 Council meeting to consider revising the Georges Bank haddock catch cap accountability measures.

CLOSED SESSION

The Committee met in closed session to review Herring AP applications and fill one open seat on the AP.

ADJOURN

The meeting adjourned at 5:00 PM.