



New England Fishery Management Council

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DRAFT MEETING SUMMARY

Herring Advisory Panel

Holiday Inn, Mansfield, MA

August 16, 2016

The Herring Advisory Panel (AP) met on August 16, 2016 in Mansfield, MA, to review plans for next steps related to Management Strategy Evaluation of ABC control rules; review PDT analyses regarding tasking for localized depletion alternatives; briefly review updated info on development of GB haddock AM alternatives; and have an initial discussion of potential work priorities for 2017.

MEETING ATTENDANCE: Mr. Bert Jongerden (Chairman), Mr. John-Paul Bilodeau, Mr. Vito Calomo, Ms. Beth Casoni, Mr. Spencer Fuller, Mr. Raymond Kane, Mr. Zach Klyver, Ms. Meghan Lapp, Mr. Peter Moore, Mr. Gerry O'Neill, Mr. Jeff Reichle, Mr. Donald Swanson and Mr. Daniel Ryan. The AP was supported by Council staff Ms. Deirdre Boelke (Herring Plan Development Team (PDT) Chairman), Dr. Rachel Feeney (Council staff), Ms. Carrie Nordeen (NMFS/GARFO), and Mr. Dan Luers (NMFS/GARFO). In addition, about five members of the public attended.

KEY OUTCOMES:

- The AP developed several motions related to localized depletion, including one recommendation for an alternative to be considered in Amendment 8.
- The AP developed several motions related to potential work priorities for 2017.

The motions are described below with a summary of the AP discussion and rationale for each motion.

A8 - MSE – ABC Control Rule

No Motions from the AP

A8 – Localized Depletion

Motion 1: Moore/Fuller

The AP does not support including measures in Amendment 8 that address potential localized depletion without scientific evidence.

Vote: 9: 3: 0, carries

Brief Summary of Rationale and Discussion:

Before the AP discussed specific alternatives, an AP member felt the panel should first express their opinion about developing measures to address a “potential” or “possible” impact from something that has not yet been clearly defined or validated with scientific evidence. Other AP members agreed and added that the basis for proceeding was not supported by the PDT work to date, and the largest gaps in science are from the industries that are seeking this the most (striped bass and tuna fisheries). Another added that the Council should not make solutions based on perception; he argued that happened in Amendment 1 when MWT vessels were kicked out of Area 1A, and it should not happen again. Another commented that the Council should not decide to work on an action based on the number of comments received; the herring fishery is relatively small compared to other user groups, so it is not balanced in that respect.

Several advisors spoke against the motion arguing that anecdotal information from other users of the marine environment should be considered valid. He argued that evaluating impacts is a challenge, but that does not mean that people’s observations are not sufficient to support consideration of an action. He explained that the precise cause may not be known today, (i.e. removal of large quantities of herring, noise from trawl gear, scattering of fish from trawling), but he believes changes happen after herring midwater trawl vessels fish in an area based on his personal experiences. He argued that if the herring fishery does not support consideration of these measures, then it should support 100% observer coverage to show everyone what the impacts of their fishery are and are not. Concerns exist about how clean the fishery really is, and more observer coverage and electronic monitoring would help address those concerns.

Motion 2: Moore/Reichle

AP recommends the Committee request NEFSC/NMFS and the Council develop a dedicated research project similar to previous work done by GMRI to look at the biological and socioeconomic impacts of all gears that harvest herring to define localized depletion. In particular, what is the spatial and temporal extent of localized depletion, and if it exists.

Vote: 10:1:1, carries

Brief Summary of Rationale and Discussion:

The maker of the motion commented that the wording of the document assumes there are economic impacts happening to other user groups from the removal of herring, and that has not been demonstrated yet. He explained that efforts were made in the past to assess how the herring resource reacts to herring fishing using acoustics and cameras, but that work was not completed and never saw the light of day. He argued that NMFS and the Council should support a dedicated research project similar to that work to finally look at all this before we consider and potentially approve measures. Another agreed that if localized depletion is happening then he would support development of an action to do something, but to date the data available does not demonstrate that. He argued that NMFS should tell us if they think the science presented so far is sufficient or not to justify development of alternatives. The motion was wordsmithed several times, but in the end the main rationale remained the same; more work should be done to define and validate if there are direct impacts before actions are taken.

Motion 3: Lapp/Kane

AP recommends to the Committee that the Council send a letter to NMFS suggesting that additional reporting requirements be considered for the commercial tuna fishery.

Vote: 11:0:0, carries

Brief Summary of Rationale and Discussion:

One AP member commented that this work has highlighted the lack of reporting in the commercial tuna fishery. If the Council is going to address potential user conflicts between the predator and prey fisheries, the process is seriously hampered by a lack of information about where the predator fisheries are taking place and when. It seemed to surprise many AP members to learn that only commercial pelagic tuna fisheries are required to report through VTR, unless the vessel has another federal permits that require VTR reporting. She explained that this process has shown us that assessing localized depletion is challenging when we only know half the story about herring fishing behavior and not the other half. It was argued that if these data were required the Council would have more information to make decisions about this issue.

Motion 9: Reichle/Moore

The AP recommends the Committee consider an alternative in Amendment 8 that would close waters within 6 nautical miles from shore in Area 114 between June 1 – Aug 31 to all herring vessels. This measure would sunset in two years after implementation. During that time the PDT/NEFSC should continue analysis into defining localized depletion and determining whether it exists in the Atlantic herring fishery.

Vote: 9:1:1, carries

Brief Summary of Rationale and Discussion:

At the end of the meeting one AP member explained that while he is not convinced that predator fisheries are facing negative impacts as a direct result of herring fishing, he understands the Council is under pressure to consider measures and respond to public concerns that have been raised. He believes there are many reasons why fish may not be in an area on a particular day, and nothing has been presented yet to suggest that the herring MWT fishery is the cause of direct negative impacts on other predator fisheries and related businesses. While he is struggling to support consideration of measures at this time, he wants to respond to the Committee request and work with other industries around the table. Therefore, if the primary area of concern is coastal waters off the Cape in Area 114 he could support consideration of a temporary measure to potentially alleviate the current tension. However, there would need to be a serious commitment from the Council and/or the Center to more thoroughly analyze and define localized depletion in the herring fishery. It was clarified that the research should not be confined to that specific area. In addition, several members mentioned that “localized depletion” could be happening from other sources as well, i.e. large number of recreational striped bass activity that could have negative impacts on the commercial striped bass fishery in Massachusetts. One AP member was uncomfortable supporting consideration of closures in state waters through a Council action.

FW5 – Haddock

No Motions from the AP

2017 Priorities

Motion 4: O'Neill/ Calamo

To recommend the Cmte consider adding a priority for 2017 to initiate a framework action to increase the 2,000 lb possession limit for herring vessels after a herring management area closes to enable a directed mackerel fishery in that area.

Vote: 9:0:2, carries

Brief Summary of Rationale and Discussion:

One AP member explained that the current possession limit is so low that it prevents the mackerel fishery from fishing in any herring area that may have closed. For example, if Area 1A closes because the TAC is reached, but there is mackerel quota left, a vessel will not fish in Area 1A because it would need more than 2,000 pounds to cover any incidental catch of herring while directing on mackerel. This low possession limit is reducing the ability to maximize mackerel catches in areas that close in the herring fishery.

Motion 5: Swanson/Kane

AP recommends that the Committee consider an action in 2017 priorities that would lower the 2018 river herring/shad catch cap for the herring fishery to potentially enable ASMFC to consider recreational access to river herring.

Vote: 3:8:1, failed

Brief Summary of Rationale and Discussion:

The maker of the motion explained that currently all river herring is being allocated to the commercial fishery, leaving nothing for the recreational sector. If caps were lower offshore, maybe there would be some river herring catch available inshore for recreational anglers. In general, the AP was in agreement on the second part of this motion, to support consideration of recreational access to river herring; however, the group was split on the first part to reduce the 2018 river herring catch cap. One AP member argued that the Council recently set the caps for river herring for 2016-2018, and this could be a lot of work for just one year (2018), when the cap could already be re-evaluated for 2019-2021 in the next specifications process.

Motion 6: Klyver/Swanson

AP supports the PDT consensus statement related to future herring research.

Motion withdrawn.

Brief Summary of Rationale and Discussion:

In general the AP is supportive of the research ideas that came out of the PDT, but it was not clear how this fits in with 2017 work priorities and 5-year research recommendations that were passed several months ago. The group was also unclear how this related to Motion 2 passed earlier in the day. It was explained that the intent of Motion 2 is near term, as soon as possible, and that topic has higher priority than the other items listed in the PDT consensus statement. The conversation got confused about how to handle this motion, so it was withdrawn.

Motion 7: O’Neill/Bilodeau

The AP recommends the Committee consider a framework action in 2017 that would enable herring catch to be shifted from one management area to another in-season.

Vote: 10:1:1, carries

Brief Summary of Rationale and Discussion:

The maker of this motion supports more flexibility in the program to enable the fishery to catch the allocated quota overall. One member supported the idea to allow some transfer of catch from one area to another to help supply the bait market, but expressed concern that the workload for the plan already seemed full. Another AP member voiced that they could support this idea, but would need to have a better understanding of the rationale behind the different area quotas. Another AP member explained that he thought the original plan used areas because people felt there were inshore and offshore stock components, and there was some level of mixing when herring migrated after the spawning season. Staff briefly explored the original FMP after the meeting and it seems that since stock structure was somewhat uncertain, the main rationale for setting TACs for separate areas was, “to allow flexibility in the harvest of herring while protecting individual spawning components.” Staff from GARFO confirmed that this idea is likely frameworkable; in-season adjustments to an ACL is on the list of frameworkable items. One AP member spoke against this motion explaining that leaving allocated catch in the water is a conservation measure, and those fish will be available next year.

Motion 8: Klyver/Swanson

AP recommends the Committee support work on IFM and EM pilot project in 2017. Vote: 8:0:3, carries

Brief Summary of Rationale and Discussion:

The AP discussed that these topics are far along and will likely continue in 2017; therefore voiced their support for that work to proceed until it is completed.