



New England Fishery Management Council

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DRAFT REPORT

NEFMC Herring Advisory Panel

Holiday Inn, Peabody, MA

September 18, 2013

Meeting Attendance:

Herring Advisory Panel: Doug Grout, Herring Committee Chairman (Chaired the meeting in the absence of a Chair/Vice Chair), Chris Weiner, Peter Baker, Jennie Bichrest, Peter Mullen, Vito Calomo, Don Swanson, Adam Holbrook, Dave Ellenton (8 of 13 advisors present), Lori Steele, Rachel Neild, and Rachel Feeney NEFMC staff; Carrie Nordeen, NMFS NERO staff, Peter Shelley (CLF), several other interested parties.

The Herring Advisory Panel (AP) met on September 18, 2013 in Peabody, Massachusetts to: review and discuss the Framework 3 Alternatives and 2014/2015 catch cap options for river herring and shad (RH/S), and discuss the partial approval of Amendment 5 and issues related to 2014 management priorities.

Election of Chair and Vice Chair

When the meeting began, the AP decided to elect a Chairman. Through brief discussion and deliberation, Chris Weiner was elected Herring AP Chairman, and Peter Baker was elected to be the Herring AP Vice Chairman. Mr. Weiner agreed to provide the AP report at the upcoming Herring Committee meeting, but decided not to vote at this meeting (except to break a tie) and to serve as Co-Chair with Doug Grout continuing to lead the AP discussion.

Discussion of Framework 3 Alternatives and Options for 2014-2015 Catch Caps

Ms. Steele presented an overview of the Framework 3 Discussion Document and the options under consideration for specifying RH/S catch caps in 2014 and 2015.

1. MOTION: Peter Mullen/Dave Ellenton

To support the no action alternative for Framework 3 (for two years)

Discussion on the Motion: Mr. Mullen proposed this motion because he feels that river herring stocks are rebounding, herring is rebuilt under a higher catch limit for 2013-2015, and that at least two more years' worth of data should be gathered before catch caps are implemented. Mr. Baker expressed opposition to the motion and stated that he would abstain because it is not consistent with his view of responsible fisheries management, which he feels the AP should be supporting. Ms. Bichrest expressed concern about preferring the no action alternative and doing

nothing in Framework 3; she asked what the ramifications of taking no action may be, and also asked what other viable options may exist. Ms. Steele explained that the action in this framework relates to both the long-term river herring bycatch avoidance strategy adopted in Amendment 5 as well as a recent court order (Amendment 4 lawsuit) in which NMFS must demonstrate that the Herring FMP is consistent with National Standard 9 and reduces bycatch to the extent practicable. Ms. Steele indicated that while there is no legal requirement to develop this framework, the implications of not moving forward are of concern because of the relationship between this action and the measures selected by the Council in Amendment 5 to address river herring bycatch. Ms. Steele also suggested that the AP could support Alternative 2 and recommend that no caps be established in 2014 and 2015. Under this approach, the provisions for the catch cap process (areas, trips, species, triggers, etc.) would be implemented, but no caps would be set for 2014 and 2015. The Council could then consider catch caps for 2016-2018 during the specifications process without having to develop another framework adjustment.

THE MOTION CARRIED 4-2-1 (new Chairman did not vote).

Mr. Grout suggested that the Herring AP members may want to discuss the elements of the framework action (Alternative 2) despite the vote to support no action so that the Committee has some additional perspective from the AP if it agrees to move forward with Framework 3. After some brief discussion, the AP agreed that it does not want to provide further comment. The majority opinion on the Herring AP is that no action should be taken with respect to Framework 3, and the group preferred to carry forward that specific recommendation to the Herring Committee.

Discussion of Amendment 5 Partial Approval and 2014 Herring Management Priorities

Ms. Steele briefly summarized the partial approval of Amendment 5, updated the Herring AP regarding the September 2013 Council meeting agenda items, and briefly identified several management actions that the Council may consider for 2014 herring priorities:

- Action to address disapproved elements of Amendment 5 – it is unclear what kind of action may be required to revisit and potentially revise elements of Amendment 5 that were not approved (revised amendment, new amendment, etc.)
- Action to address industry-funded monitoring (NMFS FMAT, NMFS-led?) – Ms. Steele noted that the Council will receive an update regarding this issue at the September Council meeting and that if an action is developed, it would likely be a NMFS-led action but would require Council staff work and resources
- Stocks in the herring fishery (RHS) amendment and/or ABC Control Rule amendment – addressing these two issues would require an amendment. Ms. Steele mentioned that the stocks in the fishery issue is on the priority list for 2013 after Framework 3, but the Mid-Atlantic Council has already begun development of an amendment to consider adding RH/S as stocks in the mackerel fishery.

The Herring AP generally discussed the management priorities but did not develop any specific recommendations. Ms. Nordeen briefly summarized some potential next steps that the Regional Office will discuss with the Herring Committee and Council to try to resolve outstanding Amendment 5 issues. Mr. Baker expressed support for revising the Amendment 5 measures as

expeditiously as possible and hoped that the process would not involve starting a new amendment. Several Herring AP members expressed support for portside sampling/shoreside monitoring and felt that the Council should revisit this issue, but no specific recommendations were made.

Ms. Steele stated that while the specific actions required to address the above issues may not be clear, it may be helpful for the AP to identify priorities and/or rank the issues to address. For example, she asked the AP if addressing the disapproved elements of Amendment 5 should take priority over developing an amendment to consider adding RH/S as stocks in the fishery. This kind of feedback from the AP may be helpful for the Herring Committee and Council discussion.

Other Business

Ms. Nordeen summarized a memo provided by the Regional Office that details some minor adjustments to the herring management area boundaries, which can be implemented through technical corrections with Framework 3 rulemaking. The Herring AP provided no further comment regarding this issue.

Mr. Baker raised concerns about recent claims about haddock bycatch (discards) seen by herring midwater trawl vessels fishing on Georges Bank. Ms. Feeney read correspondence from former Council member Jim Odlin regarding this issue into the record. Ms. Steele summarized recent levels of observer coverage and available data from observers on Georges Bank from May-August 2013. Coverage rates have been greater than 50%, and available data do not show major discards. However, there are some herring trips occurring on GB without observer coverage, and it is unclear what may have occurred on these trips.

1. MOTION: Peter Baker/Don Swanson

The gap is concerned about the reported high levels of haddock bycatch in the herring fishery. The issue needs to be immediately addressed.

Discussion on the Motion: Several AP members expressed concern about supporting this motion with no evidence to indicate the nature and extent of the problem.

THE MOTION FAILED 1-5-1 (New Chairman did not vote).