

#7



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
E.F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

FINAL MEETING SUMMARY

Joint Observer Committee/Herring Committee

Sheraton Four Points, Wakefield, MA

July 1, 2015

The Observer Policy Committee met jointly with the Herring Committee on July 1, 2015 in Wakefield, MA to: review and discuss updated information and analyses for the draft Environmental Assessment (EA) for NMFS-led omnibus amendment to establish provisions for industry-funded monitoring (IFM) across all Council-managed fisheries; review and discuss the elements of options for industry-funded monitoring in the Atlantic herring fishery, including at-sea monitoring, portside sampling, and electronic monitoring (EM); develop recommendations regarding the specific combinations of measures ("packages") to be analyzed in the Draft EA; review/discuss updated information related to herring/mackerel economic analysis in omnibus IFM amendment; discuss other elements of IFM amendment and develop related recommendations, as appropriate; and address other business as necessary.

MEETING ATTENDANCE: *Observer Committee Members:* Terry Stockwell (Chairman), Terry Alexander, Mary Beth Tooley, Jeff Kaelin, Wendy Gabriel, Peter Hughes, Gerry O'Neill, Rick Usher, Doug Brander, Pete Kendall, (10 of 13 Observer Committee members; Christopher, Parker, Sissenwine absent); *Herring Committee Members:* Doug Grout (Chairman), Matt McKenzie (Vice Chair), Vincent Balzano, Mark Gibson, Peter Kendall, John Pappalardo, David Pierce, Terry Stockwell, Mary Beth Tooley, Jeff Kaelin (10 of 12 Herring Committee members, Christopher and McMurray absent); *Joint Committee:* 16 members present; Lori Steele and Rachel Feeney, NEFMC Staff; Carrie Nordeen, Aja Szumylo, NMFS GARFO; Amy Martins (NEFOP); Brad Schondelmeier (MA DMF); Jim Ruhle, Meghan Lapp, Shaun Gehan, Jenna Rockwell, Erika Fuller, Mo Bancroft, Danielle Kane, and several other interested parties.

KEY OUTCOMES

- The Joint Observer/Herring Committee approved a motion recommending that the problem statement for the herring and mackerel components of the omnibus IFM amendment is as follows: *The public questions the accuracy of catch (landings and discards) estimates in the fishery; and there is a need to adequately estimate catch of incidental species for which catch caps apply. There is a need to develop a program that addresses an affordable monitoring program for the fishery.*

- The Joint Committee passed a series of motions to further refine the options for IFM in the Atlantic herring and mackerel fisheries and ultimately approved the range of herring monitoring alternatives on p. 14 of the IFM Discussion Document, as modified at this meeting, for further analysis in the Draft EA for the Omnibus IFM amendment.

Detailed minutes of the July 1, 2015 Joint Observer/Herring Committee meeting are provided below.

UPDATE RE. DEVELOPMENT OF INDUSTRY-FUNDED MONITORING AMENDMENT

Ms. Steele provided the Joint Committee with an overview of the status of the omnibus Industry-Funded Monitoring (IFM) amendment and progress towards addressing outstanding issues in the Draft Environmental Assessment (EA). She also presented some preliminary data from observed trips on midwater trawl vessels fishing in the year-round groundfish closed areas, as requested by the Councils in January 2015. This information will be provided in the Draft EA For the IFM amendment to inform the Council's decisions regarding monitoring requirements for midwater trawl vessels in the year-round groundfish closed areas. Several Committee members asked clarifying questions and made general comments.

- Mr. Kaelin noted that haddock that is required to be retained by midwater trawl vessels cannot be sold; Ms. Steele agreed to clarify this in the Draft IFM amendment.
- Ms. Tooley asked for clarification regarding the selection process for observers under the requirements of the standardized bycatch reporting methodology (SBRM).
- Dr. Gabriel noted that only a small percentage of the haddock catch cap is observed to be caught by midwater trawl vessels in the groundfish closed areas and suggested that, in this case, the costs of 100% monitoring may outweigh the benefits. Ms. Steele agreed to provide more information about this in the Draft EA for the IFM amendment.

PRESENTATION AND DISCUSSION: DISCUSSION DOCUMENT FOR DRAFT OMNIBUS IFM AMENDMENT

Ms. Szumylo and Ms. Nordeen presented the Joint Observer/Herring Committee with an overview of the Discussion Document for the Draft Omnibus IFM Amendment, highlighting issues for the Joint Committee to address at this meeting. Several Committee and audience members asked questions and provided general comments.

- Several Committee members discussed data/monitoring needs in the context of both the stock assessment and fisheries management. Ms. Steele encouraged the Committee to prioritize the data needs for the Atlantic herring fishery and develop the options from that list of priorities. She emphasized that this is the Council's opportunity to design the monitoring program it desires in order to meet specific management objectives and data priorities for the herring fishery.
- Mr. Pappalardo reiterated his concerns about designing monitoring options based on the SBRM fleets and suggested that the Council should consider developing standards for utilizing data from at-sea monitoring (ASM) programs across all fisheries to better inform management.

- Mr. Ruhle encouraged the Joint Committee to consider the costs of IFM within each permit category. He stated that there are significant differences in vessels' capacity within the A and B permit categories and expressed concern about lumping all vessels within the same permit category together for the IFM program. He also suggested that the Committee/Council consider the daily capacity of vessels within each permit category, using the Seafreeze boats as an example of vessels with a high overall capacity but a relatively low daily harvesting capacity.
- The Joint Committee briefly discussed the IFM FMAT's ongoing efforts to update and groundtruth the cost data that will be utilized for the economic analysis in the IFM amendment. Mr. Kendall noted that he is disappointed that the Council has not yet received any costs estimates for EM programs.
- The Joint Committee also discussed some of the details of a potential industry-funded EM program, proposed for the herring and mackerel fisheries in the omnibus IFM amendment.

The following individuals provided comments during the open period for public comments:

- Meghan Lapp (Seafreeze) provided some additional information to the Joint Committee regarding the operation of the Seafreeze small mesh bottom trawl vessels in the squid, mackerel, and herring fisheries. She emphasized that these at-sea freezer vessels take longer trips than other vessels in the herring fishery, and they often catch a mix of species such that many trips do not represent targeted Atlantic herring trips. She encouraged the Committee to consider a different approach for monitoring catch on freezer vessels.
- Jim Ruhle echoed some of Ms. Lapp's concerns/suggestions and he raised some concerns about the operation of the observer program. He encouraged the Committee/Council to further support the study fleet and incorporate more study fleet information into the management system.
- Ms. Martins clarified that the observer program (NEFOP) has adjusted its sampling protocols in recent years in response to information and suggestions provided by the fishing industry. She reminded the Joint Committee that there are times when the observer data has been utilized to benefit the industry and encouraged the Council to continue to utilize the data as much as possible.

Prior to developing specific motions, the Joint Committee generally discussed data/information needs and the best methods for obtaining specific kinds of data for the purposes of monitoring and managing fisheries.

1. MOTION: TOOLEY/KAELIN

That the problem statement for this action is as follows: The public questions the accuracy of discard estimates in the fishery; and there is a need to adequately estimate catch of incidental species for which catch caps apply. There is a need to develop a program that addresses an affordable monitoring program for the fishery.

MOTION #1 PERFECTED:

That the problem statement for the herring and mackerel components of this action is as follows: The public questions the accuracy of catch (landings and discards) estimates in the fishery; and there is a need to adequately estimate catch of incidental species for which catch caps apply. There is a need to develop a program that addresses an affordable monitoring program for the fishery.

Further Discussion on the Motion: Ms. Tooley stated that the intent of the motion is to better define the problem that the industry-funded monitoring program will address. Mr. Pappalardo clarified that the motion addresses catch, including both landings and discards, and the motion was perfected to reflect this clarification.

MOTION #1 CARRIED 14-0-1.

Mr. Kaelin expressed concern about the affordability of the IFM programs and encouraged the Joint Committee to recommend that a pilot program precede any industry-funded electronic monitoring (EM) program. He offered the following motion, which was recently passed by the Mid-Atlantic Council.

2. MOTION: KAELIN/GROUT

That the Herring and Observer Committees recommend to the Council that, before implementation of any electronic monitoring/camera Program, that a Council-approved pilot program be conducted with the affected fishery and that all components of the equipment meet/exceed ABYC (American Boat and Yacht Council) standards.

Discussion on the Motion: Several Committee members expressed concern about the motion because the ABYC standards are unknown. Ms. Martins noted that “pilot program” may not be the appropriate terminology and suggested that the Committee consider recommending “pre-implementation testing” for any new EM programs. Mr. Pappalardo suggested that many of the details of EM implementation could be addressed through individual vessel monitoring plans.

2A. MOTION TO AMEND: TOOLEY/ALEXANDER

That the Herring and Observer Committees recommend to the Council that before implementation of any electronic monitoring/camera Program, the Agency/Council develop a pre-implementation plan to be conducted with the affected fisheries.

MOTION #2A TO AMEND CARRIED 14-0-1.

MAIN MOTION #2A, AS AMENDED:

That the Herring and Observer Committees recommend to the Council that before implementation of any electronic monitoring/camera Program, the Agency/Council develop a pre-implementation plan to be conducted with the affected fisheries.

MAIN MOTION #2A, AS AMENDED, CARRIED 13-0-2.

3. MOTION: GIBSON/BALZANO

Develop a herring monitoring option that accommodates operational differences and monitoring affordability within herring permit categories A and B.

Further Discussion on the Motion: Mr. Gibson clarified that the motion is intended to address the concerns raised by Jim Ruhle during the public comment period. He noted that all permit holders are not equal and that there are vessels with many differences in the way they operate and their overhead costs. He suggested that the IFM FMAT develop a monitoring option that addresses the differences between vessels within the same permit category. Mr. Grout questioned whether the details of this option can be developed by the FMAT in the given time frame, and Ms. Steele expressed a similar concern.

MOTION #3 CARRIED 11-0-4.

4. MOTION: TOOLEY/HUGHES

That this action only consider permit-based alternatives for herring

MOTION #4 PERFECTED:

To support the permit-based approach for requiring additional observer coverage and ASM within any of the herring monitoring alternatives (except Alternative 2.5)

Further Discussion on the Motion: Ms. Tooley confirmed that the intent of the motion is to not consider/support options that require observer coverage or at-sea monitoring by SBRM fleet (versus permit category), with the exception of Alternative 2.5, which addresses requirements for all midwater trawl vessels fishing in the year-round groundfish closed areas. She added that the motion simplifies the range of options under consideration and focuses the options on those that are more useful for management purposes. She stated that the intent of the motion is not to eliminate the portside sampling and EM options from the document. Mr. Alexander felt that requirements under consideration for monitoring herring midwater trawl vessels should also be considered for herring purse seine vessels.

MOTION #4 CARRIED 14-0-1.

5. MOTION GROUT/ ALEXANDER

To move Herring Alternative 2.1 (Herring Amendment 5 alternative) to considered but rejected

Discussion on the Motion: Dr. McKenzie expressed concern about eliminating the 100% observer coverage option for Category A/B herring vessels at this time. Mr. Grout reminded the Joint Committee that the Councils will make the final decision regarding the options for the IFM amendment, and he expressed support for this recommendation given the input from the FMAT, which indicates that permit-based observer coverage cannot be utilized for stock assessment purposes. He felt that for these reasons, this option is not consistent with the problem statement that the Joint Committee approved at this meeting (Motion #1).

MOTION #5 CARRIED 11-2-2.

6. MOTION: KAELIN/TOOLEY

To recommend that the requirement for 100% observer coverage be repealed for the groundfish closed areas

Discussion on the Motion: Ms. Steele suggested that it may be more appropriate to include another option that would remove 100% observer coverage requirements for midwater trawl vessels fishing in the groundfish closed areas and would instead apply the same IFM requirements selected in this amendment across the entire herring fishery. The Committee agreed with this approach and perfected the motion.

MOTION #6 PERFECTED:

To include an option that would apply herring IFM requirements fishery-wide without additional/different requirements in the year-round groundfish closed areas

Discussion on the Motion: The Committee discussion clarified that there would still be some year-round groundfish mortality closures (particularly in the Gulf of Maine) once the omnibus habitat amendment is implemented. Dr. McKenzie expressed opposition to the motion and felt that the observer requirements in the year-round groundfish closed areas are necessary to restore confidence in the data, consistent with the problem statement approved by the Joint Committee.

MOTION #6 CARRIED 13-2.

7. MOTION: HUGHES/ALEXANDER

That a 25% option be added to Herring Alternative 2.2 Permit-Based A and Herring Alternative 2.3 Permit-Based B (possible range of herring alternatives on p. 14 of Discussion Document)

Discussion on the Motion: Ms. Tooley stated that she would support the motion because this adds an option for IFM that may be more affordable for the industry. Mr. Kaelin added that this option would be more consistent with the current at-sea monitoring requirements in the groundfish fishery (about 25%).

MOTION CARRIED 10-4-1.

Ms. Steele reminded the Joint Observer/Herring Committee about the concerns raised by Seafreeze Ltd. in its correspondence. She suggested that at this meeting, the Committee should identify any options it may want to include in the IFM amendment to address these concerns. She suggested that the Committee consider other approaches in case the FMAT cannot develop an option to address this issue consistent with Motion #3.

8. MOTION: HUGHES/TOOLEY

To consider a 25 mt threshold for trips to which the herring IFM requirements would apply

MOTION #8 PERFECTED:

To consider a 25 mt Atlantic herring threshold for trips to which the herring IFM requirements would apply (as an option)

Discussion on the Motion: Ms. Steele clarified that the 25 mt threshold is the possession limit for limited access Category C (incidental catch) Atlantic herring vessels. Therefore, under this motion, as one option, IFM requirements would only apply to trips intending to possess/land more than 25 mt of Atlantic herring, which may better reflect directed Atlantic herring trips taken by Category A/B vessels (A/B vessels were the focus of monitoring requirements in Amendment 5 to the Herring FMP).

MOTION #8 CARRIED 8-1-3.

9. MOTION GROUT/KAELIN

To approve the range of herring monitoring alternatives on p. 14 of the IFM Discussion Document, as modified by the Joint Observer/Herring Committee, for further analysis in the Draft EA for the Omnibus IFM amendment

MOTION #9 CARRIED 12-0-1.

The Herring Committee and Observer Committee will reconvene during September 2015 to review the Draft EA for the Omnibus IFM amendment and to recommend *Preferred Alternatives* for the Council to consider at its September 2015 meeting.

