

## NEW ENGLAND FISHERY MANAGEMENT COUNCIL

### FINAL Herring Plan Development Team (PDT) Report

August 10, 2011

Holiday Inn, Mansfield MA

The Herring Plan Development Team (PDT) met on August 10, 2011 in Mansfield, MA to:

- Continue work on analyses related to the management alternatives under consideration in Amendment 5 to the Herring Fishery Management Plan (FMP);
- Finalize technical elements of analyses related to alternatives under consideration in Amendment 5 to allocate observer coverage on limited access herring vessels;
- Continue work on analyses of management measures to address river herring bycatch; and
- Discuss other elements of the Draft EIS for Amendment 5 to the Herring FMP.

**Meeting Attendance:** Lori Steele, PDT Chairman; Talia Bigelow, NEFMC Staff; Matt Cieri, Jon Deroba, Tim Cardiasmenos, Sara Weeks, Min-Yang Lee, Micah Dean, Jamie Cournane, Madeleine Hall-Arber, (Herring PDT Members); Chris Vonderweidt via GoToMeeting webinar (ASMFC); Greg Willis, David Mecina, Rachel Trafford; and several other interested parties via GoToMeeting (webinar).

After some general announcements, Ms. Steele provided a brief update to the Herring PDT regarding the status of Amendment 5 development and the schedule for completing the Draft EIS for the September 2011 Council meeting. She also identified the primary issues for the PDT to address at this meeting – technical issues related to the analyses of observer data, alternatives to allocate observer coverage, and the river herring management alternatives in Amendment 5. Ms. Nordeen briefly updated the PDT on the status of NMFS rulemaking for catch monitoring in the herring fishery and the implementation of the Framework 46 (haddock catch cap) provisions. NMFS is hopeful that the rules for both of these actions can be published prior to the September Council meeting, but timing remains uncertain.

#### ***Review of Updated Slippage Information, Discussion of Fish NK/Herring NK, and Discussion of Measures to Address Net Slippage***

Sara Weeks from the Northeast Fisheries Observer Program (NEFOP) provided the Herring PDT with a summary of data collected by observers regarding released catch events on limited access herring vessels during the 2010 fishing year. She noted that between the increased observer coverage and the new observer discard log implemented in 2010, information about catch not brought on board herring vessels has improved considerably. Catch not brought on board include partial and full slippage events as well as operational discards. Operational discards have been confirmed by observers to be relatively small amounts of fish that may remain in the net following a successful haul/pump; these fish are usually caught in the net and/or cannot be pumped on board. Information collected by observers about operational discards has improved considerably, and hauls with operational discards are considered to be “observed” hauls; the operational discards are estimated by the observers and represent “small” amounts of fish (the

average amount of operational discards estimated by observers in 2010 was about 350 pounds). Any partial or full released catch (“slippage” as defined in Amendment 5) is considered unobserved, but observers still collect as much information as possible about these discards.

In 2010, observer coverage was around 30% fishery-wide and was significantly higher on midwater trawl vessels fishing on Georges Bank (85% coverage by weight of fish landed). Overall, observers provided data for 929 hauls on limited access herring vessels during the 2010 fishing year. The new discard log allows observers to provide more information about reasons for not bringing fish on board, including who estimated the released catch, additional details regarding why the catch was released, and whether the discards were observed on the deck or in the water; additional information from the 2010 discard log should be available by the end of this year and will be added to the final Amendment 5 EIS document. Ms. Weeks reviewed data for the 332 observer records (287 unique hauls) in 2010 that included fish not brought on board. About 290 of these records were documented with “not enough fish to pump,” i.e., operational discards. Observers document operational discards as Herring NK if they are able to see the fish that are not pumped and confirm that the discards are all herring-bodied fish. Otherwise, the discards are documented as Fish NK. The total weight of fish not brought on board estimated by observers in 2010 was about 460,000 pounds; this includes operational discards, which, although more frequent, generally represent very small amounts of fish. Total herring landings for this fleet in 2010 were about 58 million pounds.

A preliminary review of the observer data indicate that in 2010, only 35 records (approximately 30 unique hauls) of 929 hauls (3.2%) that were observed on limited access herring vessels were documented to have experienced full or partial slippage events. The total estimated catch not brought on board compared to the total observed catch on these vessels in 2010 was about 0.7% (this does not include fish that were brought on board and then discarded). In addition, there were 99 hauls observed in Closed Area I during 2010, under the new provisions for sampling catch, implemented in November 2009. There were no slippage events observed in these 99 hauls, and consequently no Released Catch Affidavits were submitted from the Closed Area I fishery in 2010. There appears to have been one released catch event (estimated 1,500 pounds) on a haul that ended (but did not begin) in Closed Area I; NEFOP staff will investigate this further when information from the discard log becomes available. However, the recently-implemented revisions to the Closed Area I rules (January 2011) require that all operational discards be brought on board; potential logistical and sampling issues associated with this new requirement are unclear because fishing effort has not yet moved into Closed Area I this year.

The PDT discussed the evolution of the Fish NK and Herring NK categories in the observer data and the ongoing effort to better document all fish either kept, discarded, transferred, or not brought on board in this fishery. In 2010, Herring NK was documented on 122 hauls, and Fish NK was documented on 200 hauls. The majority of Herring NK (86%) was due to “not enough fish to pump” (operational discards). Sixty nine percent (69%) of Fish NK was associated with operational discards. In general, the amounts of fish classified in these categories per haul are relatively small. There was one sampling event in 2010 that documented 30,000 pounds of Herring NK “kept,” which represents almost half of all Herring NK observed in 2010. In this one event, the observer was able to see the fish as they came on board, and during the pumping process, the observer could confirm that the fish were all herring-bodied fish but could not obtain

basket samples for safety reasons. About ½ of observed Fish NK and Herring NK in 2010 was landed; in these cases, portside sampling would be beneficial to confirm the species composition of the landings.

Following the general overview, the Herring PDT discussed the options under consideration in Amendment 5 to address net slippage and noted the following (Council staff will draft the assessment of impacts of the slippage measures based on the information provided by the NEFOP staff and the PDT discussion):

- Option 2 (Released Catch Affidavit): The discussion of this option should note that while the intent may be to provide a cross-check with the observer's log based on the captain's estimation of slipped catch, most captains are communicating with observers already and asking observers what they are recording for discards in the discard log. There is also already a place in the observer's log for the captain to provide additional information or his/her perspective on catch and discards in any cases where the captain may disagree with the observer's estimates (fishermen's comment log); this information becomes part of the NEFOP's formal database, and several have already been submitted. Moreover, observers already document operational discards and other events with photographs and are encouraged to take pictures in any instances where released catch can be observed and/or species identification is an issue. Vessel trip reports (VTRs) represent the captain's estimate of catch under a legal mandate, subject to penalty under law if falsified. Therefore, requiring the Released Catch Affidavit may be redundant.
- Option 3 (Closed Area I Sampling Provisions): While the original provisions appear to have been feasible from a sampling and logistical perspective, the new provisions to require operational discards to be brought on board have not been practiced yet because the fleet is just now moving into Closed Area I. There may be some new challenges associated with bringing operational discards on board for some vessels. Another important consideration is that Option 3 proposes to adopt these provisions throughout the fishery on any trip with an observer on board, but it is unclear how these provisions may affect purse seine operations (only trawl vessels fish in Closed Area I). The operation of the purse seine fishery is substantially different than that of the trawl fishery, and consideration must be given to the size of the vessels, nature of the fishery, and practical implications of bringing the net on board to ensure that all operational discards come across the deck.
- Option 4 (Catch Deduction and Possible Trip Termination): Additional sub-options have been developed by Council staff in an effort to provide potentially-feasible and legal options that capture the intent of the original measure. However, the PDT expressed several concerns related to all of the sub-options, many of which were identified/discussed by the group at a prior meeting. Several PDT members expressed significant concern with linking slippage events for safety reasons to a catch deduction, as fishermen may ultimately bring fish on board in unsafe situations to avoid a catch deduction or trip termination. The PDT also noted the inconsistency associated with implementing a perceived punitive measure (catch deduction/trip termination) for slippage due to safety and gear malfunction, but not for slippage due to other factors (bycatch, market conditions, etc.). Moreover, safety issues for smaller vessels and purse seine vessels in the inshore Gulf of Maine may be different than those for larger vessels fishing offshore. All of the PDT's previous concerns about this option still apply (legal challenges, deductions from a sub-ACL for fish that may not have

been caught, and the resulting inconsistencies that the catch deductions will create in the dealer/VTR/VMS catch databases).

- A preliminary assessment of the data suggest that for the most part, the amount of fish estimated to be slipped in full/partial slippage events is less than 100,000 pounds. Information about slippage events and details about the released catch improved considerably in 2010 with the establishment of the new discard log. In addition, the observed number of slippage events declined in 2010. The PDT agreed to provide additional information/data for the discussion in the Draft EIS, including a summary of the number of observed full/partial slippage events by management area and gear type for 2009 and 2010 and estimates of the average amount of fish slipped during these events.

### *Alternatives to Allocate Observer Coverage on Limited Access Herring Vessels*

The Herring PDT followed-up with the revisions to the analysis of alternatives to allocate observer coverage on limited access herring vessels. Dr. Cieri provided an overview of his updated analysis, which includes the addition of five small mesh bottom trawl trips in the Gulf of Maine documented by ME DMR. The data were combined across all areas, the SBRM catch filter (2%) was applied, and strata that may require pilot coverage were identified. This analysis is intended to provide the Council with an example of the kind of supplemental analysis that would be provided (by the PDT or NEFSC) for the Council to consider when prioritizing days under the SBRM process. The supplemental analysis focuses on allocating days to the limited access herring fishery (A/B/C) to target a 20% CV on estimates of river herring removals (kept and discarded). While this approach may help the Council understand the trade-offs associated with allocating days to achieve different objectives, there still remain several challenges that should be addressed through the annual prioritization/allocation process and any supplemental analysis specific to the limited access herring vessels:

- **Timing:** SBRM allocations are based on data from July-June, and the PDT analysis is based on a calendar year. This could be modified in the future if the Council adopts this approach. The analyses that the PDT has provided thus far demonstrate that CVs for river herring catch estimates tend to vary substantially from year to year anyway, so timing may not be as important as simply identifying the strata (gear/area) where additional coverage would improve estimates of river herring removals from this fleet.
- **Linkage between SBRM Fleets and Herring Limited Access Vessels:** The relationship between the SBRM fleets and the limited access herring vessels that would be subject to the Amendment 5 provisions is a difficult one to characterize and address in the analysis. The PDT reviewed some preliminary data, which will be provided in Amendment 5, that shows a strong relationship between the herring Category A vessels (most of the limited access directed fishery participants) and the NE midwater trawl fleet, the Mid-Atlantic midwater trawl fleet, and the NE purse seine fleet. The data also demonstrate that the Mid-Atlantic purse seine fleet does not represent vessels in the herring fishery, but rather the menhaden fishery. Therefore, the SBRM process and the allocation of days to the NE and MA midwater trawl and NE purse seine fleets through the SBRM analysis sufficiently covers the majority of the limited access directed herring vessels.

Category C vessels present more of a challenge because they are a more diverse fleet, and many of the Category C vessels use bottom trawls. The Herring PDT example analysis includes bottom trawl vessels, so allocating an appropriate number of days to the small mesh bottom trawl herring vessels could be determined using an approach similar to SBRM, i.e., applying proportions based on fishing activity by these vessels in the previous year, under the assumption that the next year will be similar to the previous year.

### ***Analysis of River Herring Bycatch Measures and Economic Analysis***

Jamie Cournane updated the Herring PDT on her work to characterize the impacts of the management measures under consideration to address river herring bycatch.

- The PDT reviewed and discussed a draft table that summarizes available estimates of river herring catch/bycatch/removals from various sources and provides context of these removals relative to historical river herring catches as well as recent/current river herring commercial (State waters) fishery landings. The PDT suggested that the recent estimates of bycatch from the SBRM three-year report be added to provide context relative to other fleets/fisheries.
- Dr. Cournane provided a brief update on the ongoing ASMFC stock assessment for river herring. Work is being completed in hopes of starting a peer review in early 2012 and conducting the full assessment review over the course of the year.
- The PDT reviewed/discussed an impact/tradeoff matrix that will form the basis of the discussion of impacts of the management measures to address river herring bycatch in the Amendment 5 Draft EIS.

Min-Yang Lee updated the Herring PDT on his ongoing work to assess the economic impacts of the management measures under consideration. The PDT briefly reviewed maps associated with impacts of spatial management options (based on preliminary analysis reviewed at a prior PDT Meeting). Dr. Lee also provided an overview of the economic analysis of observer coverage alternatives and the analysis of measures to address midwater trawl vessel access to groundfish closed areas, which will be based on the same model used to characterize the impacts of the spatial management measures to address river herring bycatch. The PDT will likely review the completed analyses via a conference call prior to completing the Amendment 5 Draft EIS.

Towards the end of the meeting, Talia Bigelow updated the Herring PDT on work to complete the Amendment 5 Affected Environment and asked for feedback prior to August 17. Council staff hopes to release the Draft Affected Environment for Amendment 5 by the end of August or beginning of September so that the Council and the public have more time to review the background information before the Draft EIS is completed. The target date for completing and distributing the Draft EIS is September 16, 2011.

The Herring PDT will likely finish work for the Draft EIS and September Council meeting via email and conference calls. If the Council approves the Amendment 5 Draft EIS for public hearings, the PDT will follow-up with any technical work and revisions in October, prior to submitting the formal Draft EIS.

The Herring PDT meeting adjourned at approximately 4:45 p.m..