

## DRAFT



### New England Fishery Management Council

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Frank Blount, *Chairman* | Paul J. Howard, *Executive Director*

## DRAFT MEETING SUMMARY

### Joint Herring Committee/ASMFC Herring Section

Sheraton Ferncroft Hotel, Danvers, MA

September 12, 2006

The Herring Committee met jointly with the Atlantic States Marine Fisheries Commission (ASMFC) Herring Section to review updated information and analysis and to develop Committee/Section recommendations regarding herring fishery specifications for the 2007-2009 fishing years.

**Meeting Attendance:** David Pierce, Herring Committee Chair; Dana Rice, Jim Salisbury, John Nelson, Rip Cunningham, Terry Stockwell, Pete Jensen, and Jim Ruhle, Herring Committee members; Lori Steele, NEFMC Staff, Herring PDT Chair; Matt Cieri, ME DMR, ASMFC Herring TC Chair; Dave Ellenton, Herring Advisory Panel Chair; Rich Ruais, Glenn Robbins, Mary Beth Tooley, Peter Moore, Gib Brogan Herring Advisory Panel members; Eric Dolin, Sarah Gurtman, NMFS NERO; Ruth Christiansen and Bob Beal, ASMFC staff; Jeff Kaelin, Peter Baker, Frank Gable, and several other interested parties. (See attached ASMFC Summary)

**ASMFC Section Members in Attendance:** Eric Smith, Section Chair; See attached ASMFC Summary

The Committee and Section first received Steve Correia's presentation summarizing the Herring PDT's risk assessment of the TAC Alternatives under consideration (see AP report for more information about this presentation and analysis). Dave Ellenton, Chairman of the Herring Advisory Panel (AP), presented the AP Report from the September 11, 2006 meeting and summarized the AP recommendations for the 2007-2009 fishery specifications.

### Alternatives Under Consideration for the 2007-2009 Herring Fishery Specifications

#### **1A. MAIN MOTION: Stockwell/Ruhle**

To recommend Alternative 1 with a trigger for a one-year review of Area 1A

Mr. Stockwell and other Committee members felt uncomfortable setting specifications for three years, given the questions and concerns about the status of the inshore stock component. Ms. Steele mentioned that the current language for multi-year specifications in Amendment 1 requires the PDT to review stock status annually and allows the Council to adjust specifications during the interim years if necessary. The Committee members clarified that the intent of this motion is to express a formal commitment by the Council to review the fishery specifications (during a Council meeting for example) in one year; however, the specifications would still be set for three years, and no action would be required if the Council determines that the specifications should remain unchanged after the first year.

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### **MOTION TO SPLIT: Ruhle/Rice**

To split the question and address the USAP specification in a separate motion

Ms. Raymond wondered why the recommendation regarding the USAP specification should be addressed separately from the rest of the specifications. She added that the Committee previously recommended 20,000 mt and that no additional information has come forward that would necessitate reconsideration of this recommendation.

**Motion to split carries 5 yes, 3 no, 0 abstention.**

Regarding the main motion, Mr. Nelson suggested that it be perfected to reflect the intent to review all of the TACs, not just Area 1A.

#### **1B. MAIN MOTION PERFECTED:**

To recommend Alternative 1 with a trigger for a one-year review of all fishery specifications (USAP to be addressed in a separate motion)

The Committee clarified that the Council's review should occur one year from now. Ms. Steele mentioned that in one year, some additional survey data will be available, but the impacts of the Amendment 1 measures may remain unclear as the fishery will not yet have operated under a complete year of the Amendment 1 measures that are ultimately implemented by NMFS.

#### **1B. MAIN MOTION PERFECTED AGAIN:**

To recommend Alternative 1 with a requirement for the Council and Section to conduct a one-year review of all fishery specifications (USAP to be addressed in a separate motion)

**Main Motion (1B) carries with 6 yes, 1 no, and 1 abstention.**

### *U.S. At-Sea Processing (USAP)*

Mr. Ellenton summarized the rationale for the AP's recommendation that USAP be specified between 5,000-10,000 mt, not to exceed 10,000 mt (see AP Report).

#### **2. MAIN MOTION: Salisbury/Cunningham**

That the Council retain the current 20,000 mt USAP specification as recommended previously and included in the alternatives under consideration

Mr. Salisbury reminded the Committee that the fishery is currently not utilizing the majority of the TAC in Areas 2 and 3 and said that he sees no reason to even limit domestic offshore processing at this time. He feels that some fishery participants believe that there is a benefit to excluding new processors at this time, but that it is more important to encourage fishing effort in the offshore areas. With increasing concern about the status of the inshore resource, he emphasized the need for the Committee to encourage vessels to fish in Areas 2 and 3. Mr. Calomo expressed concern about the potential for offshore processors to put shoreside processors at a disadvantage – vessels transferring fish to offshore processors can remain on the fishing grounds for extended periods of time, and offshore processors are not subject to the same environmental regulations as shoreside facilities (water discharge, etc.).

Sean Gehan spoke in favor of the motion on behalf of American Pelagic Seafoods and the MV American Freedom (he also submitted a letter). He stated that the proposed 20,000 mt specification is the amount required to make the American Freedom's operation feasible and is consistent with other processing facilities. He reminded the Committee that the USAP specification is not an allocation and is, in fact, a cap on the total amount of herring that can be utilized for at-sea processing. He noted that USAP operations may provide opportunities for different vessels to participate in the fishery, which specifically

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addresses one of the objectives of the Herring FMP, as stated in Amendment 1. He disagreed with the notion that a 20,000 mt USAP specification would encourage other offshore processing vessels to enter the fishery, especially given existing shoreside processing capacity. He also emphasized the importance of encouraging fishing effort in the offshore areas.

**Main Motion (2) carries 7 yes, 1 no, 0 abstentions.**

### **Other Business**

Mr. Ellenton summarized the Advisory Panel's recommendations regarding incidental catch in the directed herring fishery and the current list of allowable species for the fishery (see Advisory Panel Report for additional information).

**3. MAIN MOTION: Ruhle/Avila**

That the Council initiate a framework adjustment to the groundfish plan to modify the list of allowable species that herring gear can take in the GOM and GB exemption areas to include spiny dogfish

Main Motion carries 7 yes, 0 no, 1 abstention.

**4. MAIN MOTION: Ruhle/Avila**

Request that the Council initiate a framework adjustment to the groundfish plan to modify the list of allowable species that herring gear can take in the GOM and GB exemption areas to include squid and whiting

Main Motion carries 7 yes, 0 no, 1 abstention.

The Committee briefly discussed the Advisory Panel's concern about herring bycatch in the directed mackerel fishery for those vessels that will not qualify for any limited access permit under the current Amendment 1 limited access program. The Advisory Panel suggested that this issue should be investigated further, and the Committee members agreed and referred this issue back to the Herring PDT for further consideration as additional information becomes available. The Committee acknowledged that measures were proposed in Amendment 1 to address this issue and suggested that TAC set-asides and/or bycatch caps may be considered again in the future, as necessary.

The ASMFC Section members briefly discussed ASMFC Other Business at the conclusion of this meeting (See ASMFC Summary attached).



**ATLANTIC STATES MARINE FISHERIES COMMISSION**

**Joint Atlantic Herring Section/Oversight Committee Meeting  
Meeting Summary and Motions  
September 12, 2006  
Danvers, MA**

**Meeting Staff:** Ruth Christiansen (ASMFC); Lori Steele (NEFMC)

**Section Members:** Eric Smith (chair); Terry Stockwell; Pat White; John Nelson; Peter Whelan (for Rep. Dennis Abbott); Ritchie White; Dave Pierce; Vito Calomo; Bill Adler

**Ad Hoc Members:** Matt Cieri; Sgt. Jeff Marston; Dave Ellenton

**Committee Members:** Dave Pierce (chair); Jim Salisbury; Rodney Avila; Dana Rice; Rip Cunningham; Terry Stockwell; Jim Ruhle; Pete Jensen

**Other Members of the Public:** Eric Dolin; Mary Beth Tooley; Bob Beal; Jeff Kaelin; Mike Flaherty; Gib Brogan; Zack Klyver; Glenn Robbins; Rich Ruais; Shawn Gehan; Don Swanson; John Williamson; Don Blouin; Peter Baker; Peter Moore

*Meeting Summary and Motions*

Dave Pierce called the meeting to order and Steve Correia began the meeting with a presentation on the risk analysis of removals from areas on the inshore component of the herring stock. After a brief question and answer period regarding Steve's presentation, Lori Steele gave a presentation on the 2007-2009 Atlantic herring specifications and alternatives under consideration. It was asked whether the PDT had any thoughts about the disparity between state and NMFS surveys. Lori explained that state surveys primarily serve as recruitment indices.

Regarding the spawning regulations contained in Interstate Amendment 2, no formal impact analysis has been done for these restrictions as well as the days out measure contained in the Amendment. It was felt by one Section member that the spawning restrictions will have a large impact for 2007-2009 fishing years; restricting vessels from catching small juvenile fish will likely have benefits to the resource and may keep vessels from catching the total area TAC.

After her presentation, Lori and Eric Dolin provided a brief update on the submission status of Amendment 1. The NOA has been published and the proposed rule and regulations will come out soon. It was recommended that any comments be submitted to NMFS by November 6, 2006. The possibility exists that some elements of the proposed rule will not make it into the final rule. A contingency plan can be offered by the Committee depending on future actions taken by NMFS.

After some general discussion, Dave Ellenton provided a report from the joint Advisory Panel meeting from the previous day, including a summary of the motions that were passed amongst the advisors and the rationalization behind those motions. In his report, Dave stressed that the advisors have never been in

favor of a USAP line item. Clarification was made that the motion to recommend Alternative 1 is for the next three fishing years.

- 1. Move to adopt Alternative 1 (with USAP allocation addressed separately) for fishing years 2007-2009, with the specific requirement for the Council and Section to conduct a 1 year review of all specifications for Area 1A.**

**Motion by Terry Stockwell; second by Jim Ruhle. Motion carries.**

**For the Section – Motion by Vito Calomo; second by Pat White. Motion carries.**

- 2. Move to retain the 20,000 mt USAP allocation as put forward in all Alternatives. Motion by Mr. Salisbury; second by Mr. Cunningham. Motion carries.**

**For Section - Motion by John Nelson; second by Terry Stockwell.**

- 2A. Section moves to amend the above motion so that from the 20,000 mt USAP allocation (Areas 2 and 3), allow no more than a 5,000 mt allocation from Area 2.**

**Motion by John Nelson; second by Pat White. Motion withdrawn.**

- 3. Section moves to adopt a USAP allocation of zero mt for state waters only; all harvesting and processing shall be done outside of state waters.**

**Motion by Pat White; second by Vito Calomo. Motion carries.**

- 4. Move to accept Greg DiDomenico to the Atlantic Herring Advisory Panel.**

**Motion by Vito Calomo; second by Ritchie White. Motion carries.**

At the conclusion of the meeting, the States of Massachusetts, New Hampshire, and Maine agreed to get together to discuss and potentially alter the days out for the remainder of the 2006 fishing year. Section members also agreed to meet the Sunday before ASMFC's Annual Meeting, if deemed necessary, in order to adjust specifications depending on Council action taken at the end of the month.