

# *Atlantic States Marine Fisheries Commission*

Joint Atlantic Herring Section/  
NEFMC Herring Oversight Committee/  
Advisory Panel Meeting

June 6, 2001                      Holiday Inn, Peabody, MA

## Meeting Summary

The ASMFC Atlantic Herring Section met on June 6, 2001 in Peabody, MA, jointly with the NEFMC's Herring Oversight Committee and the joint Herring Advisory Panel. The meeting was conducted in two phases, the first to deal with the annual specification setting process and secondly to address an alternative management proposal from the state of Maine. The following summary was prepared to address the issues discussed by the Section. The summary of the discussions concerning the annual specifications was prepared by Council staff and is attached as a separate document (Attachment 1).

The Section met to review a proposal from the state of Maine for changes to the herring management program through alternative management under Amendment 1. Maine proposed to use the tolerance provision that was in effect during 2000 for 2001 and subsequent fishing seasons. The Plan Review Team (PRT) met via conference call on May 29<sup>th</sup> to evaluate the proposal. Based on a biological basis, the PRT recommended that the Section approve the request and encourage Maine to continue monitoring the landings that occur during the spawning season under this provision (see attached PRT Report - Attachment 2). The PRT raised one concern regarding the future enforcement of the tolerance provision.

Col. Fessenden stated that he believed the Maine Marine Patrol had demonstrated the ability to successfully enforce the tolerance provision. Mr. Freeman questioned whether Maine was willing to commit the resources to continue the monitoring and enforcement efforts. Mr. (Pat) White offered the following motion:

**“Move that the state of Maine be allowed to implement the tolerance provision that was in place for the 2000 season, for 2001 and subsequent seasons”** (seconded by Mr. Smith).

Noting the concern raised by the PRT, Mr. Nelson questioned how the samples were taken and what was the disposition of the one case from last year. Col. Fessenden replied that there was a detailed sampling protocol that the officers followed and that the case was settled before going to court. Mr. Calomo stated that all day the Section and Committee had been discussing preserving the 1A TAC and was not in favor of the motion. Allowing the tolerance would also disturb the spawning fish and might lead to waste as fish could be dumped.

After a short caucus period **the motion passed, 2 - 2 with one abstention; and the Chair voting in favor to break the tie.**

Mr. Borden noted that the key issue is the current low level of juvenile herring harvested and that the Section might reconsider their position if this was to increase. Mr. Freeman suggested that the Section require Maine to provide annual reports on the enforcement of this provision. Mr. Borden agreed that

this could ease some of the concerns. Mr. Flagg stated that Maine would address the PRT's concern and provide a report next year regarding the implementation of the provision.

Dr. Desfosse reported that the PRT recommended that the states of Massachusetts, New York and New Jersey be found out of compliance with Amendment 1 due to their failure to submit an annual compliance report for this past year (2000). Mr. Nelson offered the following:

**“Move that the Section recommend to the Commission that Massachusetts, New York and New Jersey be found out of compliance if they have not complied with the reporting requirements by the July ASMFC meeting week”** (second by Mr. P. White).

**The motion passed, 4 in favor and 1 opposed, with one abstention.**

### **Other Business**

Mr. Turner asked that an analysis be prepared to explore how the effort controls would function under a split TAC for Area 1A next year. He also asked how the fourth day out of the fishery would be implemented, both this year and under a split TAC. Mr. Flagg replied that this would be examined by the technical committee.

**(Attachment 1 - Summary prepared by NEFMC staff)**

## **New England Fishery Management Council**

### **SUMMARY**

Herring Oversight Committee, ASMFC Section and  
Herring Advisory Panel Joint Meeting  
Holiday Inn, Peabody, MA  
**June 6, 2001**

The Herring Oversight Committee, ASMFC Herring Section, and Herring Advisory Panel met jointly to review the annual Stock Assessment and Fishery Evaluation (SAFE) Report for the 2000 fishing year and develop recommendations to the Council on specifications and management area TACs for the 2002 fishing year. The ASMFC Herring Section also discussed and took action on matters not directly affecting the federal Herring Fishery Management Plan. The summary of the ASMFC portion of the meeting is attached as a separate document [when completed].

Following presentation of the SAFE Report and recommendations of the Plan Development Team (PDT), members engaged in a question and answer period prior to formal consideration of motions.

### **Motion**

to accept the PDT recommendations for specifications of Allowable Biological Catch (ABC) and Optimum Yield (OY) and to recommend Option 2 for Domestic Annual Harvest (DAH), Total Allowable Level of Foreign Fishing (TALFF) and Domestic Annual Processing (DAP). (Option 2 would set TALFF at zero). (Committee: Williamson/Freeman; Section: Freeman/Adler)

Following a brief discussion, Jim Kendall made a motion to substitute Option 1 for DAH, TALFF and DAP, but no one seconded (Option 1 would allow between 5,000 mt and 20,000 mt for TALFF). Comments on the main motion included:

- support for TALFF last year was not a strong majority, and the “incentive” for drawing joint venture vessels did not appear to be successful
- the Mid-Atlantic Council’s (MAC) position on mackerel TALFF was also not a strong majority and was taken out of consideration of the frustration of the U.S. fishermen who could not find the large biomass of mackerel that scientists stated existed. They thought that foreign “experts” might be able to show them where the fish were so that the U.S. vessels could harvest the fish for joint ventures and domestic processing
- allowing TALFF and large amounts of JV will discourage development of shoreside processing
- there is already a substantial investment in new shoreside processing that will have to compete with TALFF and JV fish in the world market
- world markets are starting to open up, especially in Eastern European countries, which are the same countries interested in TALFF and JVs
- the allocation of TALFF damaged our relationship with the Canadians
- the Council should not remove the tolls (such as TALFF and associated JVs) to utilize the available herring; we should act in the best interest of the U.S. industry and not base the decision on what the Canadians think of our actions

**Motion passed** (Committee: 4-1; Section: 4-0)

Members next considered the options for management areas TACs presented by the PDT.

**Motion**

to recommend management area TAC Option 1 (status quo) (Committee: Williamson/Kendall; Section: Freeman/White)

Comments on this motion:

- the plan is based on assumed mixing rates across areas; either the assumptions should be applied uniformly or not all; this motion does not take into account uncaught Gulf of Maine fish assumed in the other plan components, and it is inappropriate to not redistribute the uncaught fish
- we should not base the Area 1A TAC on what the Canadians catch in the weir fishery; the Canadians are currently reconsidering, based on new information, whether any of the New Brunswick weir fish are even from the 5Y (Gulf of Maine) stock
- during April-July, 50 percent of the fish caught in the Gulf of Maine is actually Georges Bank fish; if we catch 60,000 mt during this period, only 30,000 mt is from the Gulf of Maine spawning component; we should re-examine all of the assumptions in the TAC formula
- we need to support tagging programs to confirm or correct the assumptions
- we should listen to the scientific advice

**Motion passed** (Committee: 5-0; Section: 4-1)

The members then took up the matter of the delayed release of the Area 1A TAC until June 1, one of the PDT options. John Williamson's motion to recommend the delay was not seconded. Members discussed variations such as setting a seasonal TAC. NOAA General Counsel commented that the regulations may not accommodate such a proposal, and that a framework action would be necessary. He also noted there may be some enforcement or administrative concerns. Committee members agreed that they could still make a recommendation to the Council, which would give NMFS and NOAA GC an opportunity to review and prepare a formal comment at the Council meeting.

**Motion**

to recommend allocating 40 percent of the Area 1A TAC, or 24,000 mt to the January through May period (Committee: Calomo/Kendall; No Section motion)

Comments on the motion include:

- this will provide an alternative fishery to groundfish vessels displaced by the rolling closures in the western Gulf of Maine
- this motion does not address the issue (of early closure of the fishery under the quota system) since the allocated amount is more than is currently taken by the fishery during that period
- there are no other measures proposed in this motion to slow effort as the TAC is approached, as there are during the main season.

**Motion failed** 1-2-2.

**Motion**

to recommend that Area 1A have a TAC of 6,000 mt during January through May, and 54,000 mt

starting June 1. If 95 percent of the TAC is reached in either period, the 2,000 lb. trip limit would take effect. Also, the committee recommends that the Council initiate a framework action to implement this change.

Comments on the motion:

- this motion is a workable compromise
- it is unclear who will be impacted, the fishery has already taken 11,000 mt this year through May
- the TAC for the first part of the year is within the range of landings during this period in prior years
- the quality of herring during the spring months is poorer, and the markets (both bait and canneries) prefer fish from later in the year
- there are numerous alternatives to herring for bait that could fill in the periods of shortage
- as fishermen are displaced from other fisheries, particularly groundfish, many will go herring fishing, especially since there is such a large abundance

**Motion to amend**

to increase the January through May Area 1A TAC to 10,000 mt (Committee: Calomo/Kendall; Section: Calomo/Nelson; **motion to amend failed**; Committee: 2-2-2, chairman votes to tie; Section: 1-3-1)

**Main motion passed** (Committee: 3-2-1, Chairman votes to break a tie; Section: 4-1-0)

The members then considered an option in the SAFE Report that would set specifications for two or three years.

**Consensus**

without objection to support the PDT recommendation to defer action on this proposal until the stock assessment is completed in 2002.

The ASMFC Section then took up the issue of spawning area tolerance provision, as noted in the attached minutes [when completed].

Committee members agreed to finalize their questions for the advisors on limited entry and controlled access, to be forwarded to the staff by June 22.