

**PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
ATLANTIC HERRING SECTION**

**The King & Prince Beach and Golf Resort  
St. Simons Island, Georgia  
October 28, 2013**

Approved February 4, 2014

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**ATTENDANCE**

**Board Members**

Rep. Walter Kumiega, ME (LA)	Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)
Terry Stockwell, ME, proxy for P. Keliher (AA)	David Simpson, CT (AA)
Steve Train, ME (GA)	Lance Stewart, CT (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Rep. Craig Miner, CT (LA)
Doug Grout, NH (AA)	James Gilmore, NY (AA)
G. Ritchie White, NH (GA)	Pat Augustine, NY (GA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Sen. Phil Boyle, NY (LA)
David Pierce, MA, proxy for P. Diodati (AA)	Peter Himchak, NJ, proxy for D. Chanda (AA)
Bill Adler, MA (GA)	Tom Fote, NJ (GA)
Robert Ballou, RI (AA)	Adam Nowalsky, NJ, proxy for Asm. Albano (LA)

**(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)**

**Ex-Officio Members**

Renee Zobel, Technical Committee Chair	Michael Eastman, Law Enforcement
Jeff Kaelin, Advisory Panel Chair	Representative

**Staff**

Robert Beal	Kate Taylor
Toni Kerns	Melissa Yuen

**Guests**

Sen. Ronnie Cromer, Leg. Appt., SC

The Atlantic Herring Section of the Atlantic States Marine Fisheries Commission convened in the Lanier Ballroom of The King and Prince Beach & Golf Resort, St. Simons Island, Georgia, October 28, 2013, and was called to order at 8:30 o'clock a.m. by Chairman Terry Stockwell.

### **CALL TO ORDER**

**CHAIRMAN TERRY STOCKWELL:** It seems a little bit inappropriate for someone from Maine to be welcoming us all to Georgia; but on behalf of the Herring Section, welcome. I'm Terry Stockwell, the now new chair of the Herring Section and calling the meeting to order.

### **APPROVAL OF AGENDA**

**CHAIRMAN STOCKWELL:** We need to approve the agenda.

I do want to note there was one item that did not make the final agenda. It is the approval of 2014 Area 1A TAC seasonal distribution. Without objection, I would like to make that Agenda Number 5 because it is an action item. Are there any other changes to the agenda? Seeing none; consider the agenda approved.

### **APPROVAL OF PROCEEDINGS**

If anybody has had a chance to read the proceedings, are there any comments or changes to the proceedings? Seeing none; I consider the proceedings approved. Are there any members of the audience who would like to comment on items that are not on the agenda? All right, Melissa, it looks you're up on Agenda Item 4, the 2012 FMP Review and State Compliance.

### **CONSIDER 2012 FMP REVIEW AND STATE COMPLIANCE**

**MR. MELISSA YUEN:** I will now go over the Atlantic Sea Herring FMP Review and State Compliance for the 2012 fishing year. First is the review of the stock status. Atlantic herring is currently managed as a single stock from Maine to New Jersey although there is evidence of two distinct spawning units.

The most recent stock assessment by NOAA Fisheries was completed in 2012, which included data up to 2011. The assessment update concluded that Atlantic herring is not overfished but is in fact rebuilt relative to the current target spawning stock biomass level of 157,000 metric tons. The spawning stock biomass in 2011 was estimated to 518,000 metric tons.

As you can see the spawning stock biomass trend has recovered since the crash in the late 1970's. The spike in recent years is due to a strong cohort in 2009. Atlantic herring is not experiencing overfishing. The fishing mortality rate in 2011 is 0.14, which is below the threshold of 0.27. Again, this was primarily due to the strong cohort in 2009.

The Atlantic herring is a commercial fishery. Less than 1 percent is taken by the recreational fishery. Over the time series from 1965 to 2012 annual landings by the United States Atlantic Herring Fleet increased an average of about 57,000 metric tons or 125.4 million pounds. In 2012 the landings totaled nearly 86,000 metric tons with the majority taken by trawls and purse seine gears.

This is how the 189 million pounds landed in 2012 broke down by state. Maine landed 67 percent with nearly 88,000 metric tons. Massachusetts landed 27 percent with 36,000 metric tons. Rhode Island came next with almost 5 percent; and the New Hampshire, New Jersey, New York and Connecticut each landed less than 1 percent of the coast-wide total.

Combined Maine and Massachusetts accounted for 94 percent of the commercial Atlantic herring landings. This is based on the state compliance reports. This is a list of the FMP documents. I didn't include all the specific addenda for Amendment 1; but for Amendment 2 we have Addendum I, Addendum II and Addendum V as of 2012.

The management measures required in this FMP are spawning area restrictions, prohibition of landings in a management area once the sub-quota has been reached, prohibition of landings

of herring to an internal waters processing operation. There are monitoring requirements. There is a weekly reporting of daily landings in order to manage the quota in a timely manner.

States have to provide an annual report on any mealing activity. Also, Area 1A has a seasonal splitting specification's process, triggers and spawning regulations. The plan review team found that all states have management programs consistent with the FMP. Requests for de minimis status; Amendment 1 provided the criteria for de minimis status.

A state must demonstrate that its most commercial landings are less than 1 percent of the coast-wide landings for the past two years. New York has requested de minimis status. The plan review team recommends to the board to grant de minimis status to New York based on their recent commercial landings, which meet the criteria. In 2011 they only caught 30,700 pounds; in 2012 it was 85,000 pounds. Since 1991 their landings have averaged 0.4 percent of the coast-wide landings. This concludes my presentation. Thank you, Mr. Chairman.

CHAIRMAN STOCKWELL: Are there any questions for Melissa? Dr. Pierce.

DR. DAVID PIERCE: Not so much a question, but I would like to add some information that is important. In light of the fact that Melissa did take the time to give some historical information on herring landings, what I'm about to say is relevant to discussions we will have in a little bit about spawning on Georges Bank/Nantucket Shoals.

You will see from the figure that she had put up on the screen showing spawning stock biomass over the years; back in the late 1970's and in the early 1980's spawning stock biomass was very, very low. At that time we have a New England Council plan that established some quotas for sea herring, very low quotas that essentially shut the U.S. fishery down at that time.

The high mortality previous to that was due to foreign fishing principally. The fleets were fishing off our coast, up and down our coast,

fishing on Georges Bank. Part of that effort, which was on Georges Bank, was on spawning concentrations of sea herring. The Northeast Fisheries Science Center scientists made it very clear at that time back in the 1970's/early '80's the reasons why the Georges Bank herring stock collapsed was fishing on spawning aggregations by the foreign fleets on Georges Bank.

So for many years we had a lack of fish on Georges Bank. Then I and others at the time witnessed the slow return of herring to Georges Bank, and that it was due to the fact there was successful herring spawning on nearby Nantucket Shoals and the consensus of the U.S. scientists was that that spawning on Nantucket Shoals seeded Georges Bank and as a consequence the bank came back.

So Nantucket Shoals spawning and Georges has been extremely – this is in certain areas and again it's relevant to our discussions later on about spawning on Georges Bank needed protection. And then final point I'll make, because Melissa put up the 2012 herring landings by state noting Maine and Massachusetts and Rhode Island principally and somewhat in New Hampshire and New Jersey – just for the record we do have a fixed-gear, purse seine gear only area that is in the Gulf of Maine.

That particular closure does dramatically impact the landings by midwater pair trawlers, with many of them being out of the Massachusetts port. If that closure was not in place; I suspect landings in Massachusetts would have gone up rather dramatically. I'm not saying the closure shouldn't be there – it is warranted – but that is the reason why and may be the principal reason why there is such a shift of landings to the state of Maine as opposed to the state of Massachusetts.

Of course, the state of Maine has a larger fleet, anyways, so that does contribute to the higher landings, but I wanted to highlight the fact that fixed gear, purse gear only area in place for much of the year in the inshore portion of the Gulf of Maine directs effort from Massachusetts

fishing in the Gulf of Maine to the Georges Bank area; so, just for the record.

CHAIRMAN STOCKWELL: Are there any other comments for the record? This is an action item so I'll be looking for a motion. Doug.

MR. DOUGLAS E. GROUT: **I move we approve the Herring FMP Review and approve New York's de minimis request.**

CHAIRMAN STOCKWELL: Seconded by Jim.

MR. GROUT: **I've been corrected that it should be we accept the FMP Review.**

CHAIRMAN STOCKWELL: Is there a need to caucus? Okay, I'll read the motion into the record, which is move to accept the 2012 FMP Review and approved the de minimis request from New York. Motion made by Mr. Grout and seconded by Mr. Gilmore. Is there any objection to this motion? **Seeing none, consider it approved.** The action item we have is the 2014 Area 1A TAC Seasonal Distribution. Doug, I believe you have a motion?

MR. GROUT: Yes, I have a motion, Mr. Chair. This is something that we do at the annual meeting every year to set up things for the 1A fishery. **I move to allocate the 2014 Area 1A TAC seasonally with 72.8 percent available for June through September and 27.2 percent allocated from October through December. The fishery will close when 92 percent of the seasonal period's quota has been harvested and underages from June through September may be rolled into the October through December period.**

CHAIRMAN STOCKWELL: Is your motion correct, Doug?

MR. GROUT: Correct.

CHAIRMAN STOCKWELL: Seconded by Bill Adler. Is there any section discussion on the motion on the board? Jeff, you would like to ask a question?

MR. JEFF KAELIN: Yes, I would. My question is the specifications allow for rolling over any unused quota in Year Three in this fishery, and my question as the chairman of the advisors is will there be any unused quota either from 1A or 3, which are now closed, upon review. When we have all the data; is there potential for some quota rollover in the future? Has anybody started to consider how we mechanically do that yet? Even if it's a few tons, I think we would like to see it moved over as an industry if possible.

MR. GROUT: I think that's in the Addendum VI provisions, and I believe it's any underages from this year will be rolled over into 2015.

MR. KAELIN: That's right, Mr. Grout. That's why I just wanted to make sure that we don't lose track of that provision. Thank you.

CHAIRMAN STOCKWELL: And, Section Members, remember that it takes a year for the accounting to go through, which is why there is a time delay. Are there any questions or comments to the motion on the board? Okay, I'm going to read the motion into the record:

Move to allocate the 2014 Area 1A TAC seasonally with 72.8 percent available for June through September and 27.2 percent allocated from October through December. The fishery will close when 92 percent of the seasonal period's quota has been harvested and underages from June through September may be rolled into the October through December period. Motion made by Mr. Grout and seconded by Mr. Adler.

Is there a need to caucus? Are there any objections to the motion on the board? **Seeing none, this is a final action and consider it approved.** Melissa, we're up to Agenda Item 6, which is the technical committee report on the Georges Bank/Nantucket Shoals Spawning Study. That is Renee.

#### **TECHNICAL COMMITTEE REPORT**

MS. RENEE ZOBEL: We were asked by the section to come back with some more information on the Georges Bank/Nantucket Shoals Spawning Study and information around

the spawning in the area. As a little bit of background, February 2012 this was discussed by the section, the need for protection for Georges Bank/Nantucket Shoals area. They asked us to do a few things.

We produced a committee report and the second came back and requested an expansion of that report and highlighted a few issues in the technical committee report. We were looking for feedback on goals and objectives; that commented that there would be potential relocation of fishing effort inshore; and that we would like to take a three-year study of offshore spawning because we don't know much about the Georges Bank/Nantucket Shoals spawning stock.

We don't know much about those fish out there and their activities. We were in need of long-term funding; funds are obviously hard to come by. The section requested specific budget needs and alternative offshore sampling measures and management options for offshore spawning areas or potential management options.

As the technical committee, we had this discussion and produced our report and we've laid specific budget needs for what we would need in order to complete the study annually for Georges Bank/Nantucket Shoals. Alternative offshore sampling measures were not provided at this time.

The biologists who would be producing sampling measures indicated that they would need time to do that and time is money, so that funding was definitely something that would be needed. Without the three-year study, management options for offshore spawning areas we can't recommend at this time.

The next slide you'll see what was requested from the states of Maine and Massachusetts as far as what it would cost to fund these offshore sampling efforts. Being the representative from New Hampshire myself, our sampling is taken care by Maine and Massachusetts. We don't have the personnel or the lab in order to process samples; hence, we are at zero. We're rolled into the other two states. That gives a good

indication of what we would be looking for in each year for the study on Georges Bank/Nantucket Shoals.

The comments from the technical committee, what we are still looking for are clear goals and objectives for the offshore study. We read this the last time when Matt was here; but under Amendment 2 I believe one of the points is that we don't want to direct more fishing pressure inshore we feel that's the more vulnerable component of the Atlantic Herring Fishery.

If we have a closure in offshore waters, that potentially could redirect effort inshore, so we're looking for a little bit of clarity in goals and objectives from the section to consider when we were looking at these things. There is concern about using state resources for studying federal waters; using state monies for that.

It has been suggested that we use IJ funds for the spawning studies. Each of the states – that was taken away and then now we get it back – each of the states have ongoing sampling programs that are funded those monies, and there really aren't extra resources available unless those funding sources were increase. That concludes my presentation. Thank you.

MR. PATRICK AUGUSTINE: Mr. Chairman, let's cut right to the quick on this thing. Let's go to the last three line items and actually the last item, we talked about the Interjurisdictional Fishery Act funding. If there aren't funds available for that, then the question begs to be asked can the feds support this effort because it's an offshore issue. It impacts our states but it is offshore.

If we can get those two questions addressed; funding by the Interjurisdictional Fishery Act, if there is any; no; if there is some, then let's see what we can do. Second is to the feds; can the federal government come forward with anything; and if not, I would move that we table this until a later date, Mr. Chairman.

MR. WILLIAM A. ADLER: My question to the technical committee had to do with the memo. How important is this transporting fish offshore



for sampling? They were concerned about whether they could get the proper, I guess, identification. How serious is that particular part?

MS. ZOBEL: In response to that, in order to process the samples properly for the GSI and other stages, they have to be within 24 hours and they can't be frozen, so it is incredibly important.

MR. ADLER: In other words, 24 hours, is that possible; can they go out, get the samples, be back within 24 hours, non-frozen, in order to get an accurate scientific thing; is that doable?

MS. ZOBEL: That is part of what we would like to at was sampling protocols. There are some offshore boats here represented today. There are times when that would absolutely be possible, and then there are times when that would be very difficult, depending on when the boats are landing and when they're fishing.

DR. PIERCE: I appreciate the obstacles that the technical committee had to try to overcome. They are significant and you have identified them; additional funds needed for the states to do the work in the ports relative to sampling of spawning fish; so much of the work that is being done now in the Gulf of Maine. That's clearly a factor.

I think we're reached the point where it is necessary for the section to take a slightly different approach. In light of what the technical committee has told us, in light of the fact that we have this need for a three-year study – that's too long. Three years is too long as far as I'm concerned. I think we know enough about herring spawning on Georges Bank for us to move forward but not by ourselves.

I think we really do need to have more investment by the New England Fishery Management Council. It might be an investment that is fairly easy to get since the chairman of the New England Council is sitting before us, Terry Stockwell. I think it's necessary for us to now enlist some more people, some more

resources to assist us with this very important endeavor.

I indicated before in my earlier comments that Georges Bank can collapse. Yes, it was due to the heavy fishing by the foreign fleets, and the fishing by our domestic fleets is nowhere near what it was during the times when the fleets were on our shores; but still spawning aggregations do exist. Many of the locations of those aggregations are known.

I think it's necessary for us to get some more firepower enlisted; so I would make a motion, Mr. Chairman – and I have given it to staff – because I don't want this issue to die. I don't want this to be put on back burner and then left there until the stove goes cold. This is an important issue and it is an issue that is very relevant to federal activities and to New England Council management of sea herring, offshore specifically.

**I would move that the New England Fishery Management Council be requested to have its Scientific and Statistical Committee/Plan Development Team work with the ASMFC Atlantic Herring Technical Committee to identify what is known about Georges Bank/Nantucket Shoals spawning and provide an offshore sampling protocol for the purposes of protecting spawning herring.**

CHAIRMAN STOCKWELL: Motion made by Dr. Pierce and seconded by David Borden. Is there discussion? Ritchie.

MR. G. RITCHIE WHITE: Mr. Chairman, I certainly support the motion. In looking at recent history, a number of years we were not harvesting our quota in Area 3 and now we are. I think that this adds additional importance historically to what Dave has brought up, and it's something we have to be careful of. I think this is the logical next step.

CHAIRMAN STOCKWELL: A question for you, Dave; seeing as we're coming up on setting council priorities; are you suggesting that the council prioritize this. If so, you may want to modify your verbiage.

DR. PIERCE: I am suggesting that it be a priority sea herring issue for the council.

CHAIRMAN STOCKWELL: The way I read the motion, it could sit in a hole for a long time.

DR. PIERCE: Okay, move that the – okay, someone is inserting some language; let's see if it works. Yes, that is a good insert. Whoever did that; thank you.

MR. KAELIN: As the AP Chair, I just want to point out that the advisory panel hasn't been asked to consider this issue yet. As a member of the Herring Committee now that I'm a Mid-Atlantic Council Member, I wonder if it is premature to identify this as a priority before you have the technical review.

I think we're already at twice the spawning stock biomass on the resource right now. I think SSB considers the state of spawning activity in these areas. That's just a question mark. I think there are other things that we might be able to do with scarce resources at the council. I appreciate the opportunity to say that. Thank you.

DR. PIERCE: Well, Jeff raises a good point regarding the status of the resource and indeed the resource is in good shape. However, I'm always influenced by the fact that there still is this question of the impact of concentrated fishing on spawning aggregations and also the impact of focused fishing on the availability causing local depletion.

Even though the resource is in good shape – and I'm not sure it's in as good a shape as what the assessment indicates, but we have it and we use it. I think there is enough reason for us to be concerned about what could happen to this resource with focused fishing on spawning fish. With the importance of Georges Bank to the offshore fleet, that in the best interest of the resource and in the future of the offshore fishing fleet that is dependent upon that herring, we need to be as aggressive as we can possibly be to protect those fish.

This would at least be a step in the right direction and working with the council that has

the authority. And, of course, the council advisors, ASMFC advisors would be involved in those discussions to help us move it forward in a priority way that would be sensitive to what the industry knows; not just what we know through scientific research but what the industry knows.

MR. KAELIN: Dr. Pierce, I'm not arguing against the motion. In fact, when I spoke to Terry earlier this morning, this is exactly what I suggested that the section consider doing. Thank you for your response.

CHAIRMAN STOCKWELL: Is there further discussion to the motion on the board? I'll read it in the record: move that the New England Fishery Management Council be requested to have its Scientific and Statistical Committee/Plan Development Team work with the ASMFC Atlantic Herring Technical Committee as a priority issue to identify what is known about Georges Bank/Nantucket Shoals spawning and provide an offshore sampling protocol for the purposes of protecting spawning herring. Motion made by Dr. Pierce and seconded by Mr. Borden.

My sense, should this motion pass, is that Bob will be writing a letter to the New England Council. The executive committee meets a week from Wednesday. The council meets the last week of the month.

EXECUTIVE DIRECTOR ROBERT BEAL: Just real quick, Terry, this is a recommendation to the Policy Board to approve a letter going out to the council. It's a technicality but just to keep the process whole we probably should change the wording to reflect that.

CHAIRMAN STOCKWELL: Move that the Herring Section recommend to the Policy Board to send a letter to the New England Fishery Management Council requesting to have its Scientific and Statistical Committee/Plan Development Team work with the ASMFC Atlantic Herring Technical Committee as a priority issue to identify what is known about Georges Bank/Nantucket Shoals spawning and provide an offshore sampling protocol for the purposes of protecting spawning herring.

Motion made by Dr. Pierce and seconded by Mr. Borden.

Is there an objection to the motion on the board? **Seeing none, this motion will be forwarded to the Policy Board.** Melissa, the update on the New England Fishery Management Council Amendment 5 and Framework 3.

**UPDATE OF NEW ENGLAND FISHERY MANAGEMENT COUNCIL AMENDMENT 5 AND FRAMEWORK ADJUSTMENT**

MS. YUEN: This is just a brief update on the New England Fishery Management Council's Atlantic Herring FMP. Their actions are paralleling ours. First, Framework 3, this is for the river herring and shad catch caps in the Atlantic Herring Fishery. In September the council selected its final measures for the 2014 and 2015 catch caps.

The final submission of the framework document, after the preliminary NMFS review, will be forwarded towards the end of this year and implementation about halfway through 2014. This is relevant to Amendment 5, which is still waiting final rule and implementation. The council would decide priorities by 2014 at the end of this year. In the meantime the council will be considering a request for emergency action to address the haddock bycatch concerns at its next meeting. That is just a very brief run-through of the council update.

MR. ADLER: Mr. Chairman, I think it's at this point. I had a question when I learned that it had been agreed or had been approved to not open 1B until May. In the past 1B I believe always opened January 1 just like 2 and 3. The section never discussed this to my knowledge. I don't know how come they jumped and decided that they're going to keep 1B closed until May. I don't know why and I don't know where that came from.

CHAIRMAN STOCKWELL: I think Jeff has an answer.

MR. KAELIN: It came from the recommendations of the Herring Committee and

with the support of Herring AP in New England to delay opening of Area 1B. Since that time there have been some industry people that have asked how come we're doing that? One implication is if there is mackerel up there in the wintertime and you can only have 2,000 pounds of herring, that's a problem.

You can't go fishing for mackerel because of the amount of herring we normally catch in the mackerel fishery. It was vetted here. It was discussed as one of the things that the New England Council did; but I think there are some people who are questioning that now, Mr. Adler, but it was reviewed. It was a recommendation from both the Herring Committee and the APs, both there and here, and the section when the specifications were approved.

CHAIRMAN STOCKWELL: Are there any additional questions for Melissa? Okay, the next agenda item is election of a vice-chair. Dave.

**ELECTION OF VICE-CHAIRMAN**

MR. DAVID SIMPSON: Move to nominate Ritchie White for vice-chair.

CHAIRMAN STOCKWELL: Seconded by Pat Augustine. Pat.

MR. AUGUSTINE: And a motion to close nominations and cast one vote for our new vice-chairman.

CHAIRMAN STOCKWELL: Congratulations, Ritchie. (Applause) Doug.

MR. GROUT: Before we adjourn, I have to apologize. I did a poor job of proofreading the original motion that I made concerning the 1A specifications. There is one word that needs to be changed; and if you start with 72 percent available, it says "through June". It should be "from June". I'm sorry I didn't catch that before. I was trying to edit on the fly and I missed that one word. I don't know how you want to handle it.

CHAIRMAN STOCKWELL: Is there an objection to the perfection? Consider it perfected.

**ADJOURNMENT**

Is there any other business to come before the Herring Section? Seeing none; the Section is adjourned.

(Whereupon, the meeting was adjourned at 9:05 o'clock a.m., October 28, 2013.)