

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

**Crowne Plaza - Old Town
Alexandria, Virginia
May 12, 2014**

**Board Approved
August 5, 2014**

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1. **Motion to approve agenda** by Consent (Page 1).
2. **Motion to approve proceedings of February, 2014** by Consent (Page 1).
3. **Move to approve the PID with the changes made today** (Page 7). Motion by Pat Augustine; second by Bill Adler. Motion carried (Page 9).
4. **Motion to adjourn** by Consent (Page 10).

ATTENDANCE

Board Members

| | |
|--|--|
| Rep. Walter Kumiega, ME (LA) | Robert Ballou, RI (AA) |
| Terry Stockwell, ME, proxy for P. Keliher (AA) | Rick Bellavance, RI, proxy for Sen. Sosnowski (LA) |
| Steve Train, ME (GA) | Dave Simpson, CT (AA) |
| Doug Grout, NH (AA) | Rep. Craig Miner, CT (LA) |
| G. Ritchie White, NH (GA) | James Gilmore, NY (AA) |
| Dennis Abbott, NH, proxy for Sen. Watters (LA) | Pat Augustine, NY, proxy for Sen. Boyle (LA) |
| Rep. Sarah Peake, MA (LA) | Emerson Hasbrouck, NY (GA) |
| David Pierce, MA, proxy for P. Diodati (AA) | Tom Baum, NJ, proxy for D. Chanda (AA) |
| Bill Adler, MA (GA) | Chris Zeman, NJ, proxy for T. Fote (GA) |

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

Ex-Officio Members

Renee Zobel, Technical Committee Chair

Staff

| | |
|-------------|--------------------|
| Robert Beal | Kirby Rootes-Murdy |
| Toni Kerns | Melissa Yuen |
| Mark Robson | |

Guests

| | |
|---------------------|------------------------------|
| Raymond Kane, CHOIR | Jeff Kaelin, Lunds Fisheries |
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The Atlantic Herring Section of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crown Plaza Hotel Old Town, Alexandria, Virginia, May 12, 2014, and was called to order at 10:00 o'clock a.m. by Chairman Terry Stockwell.

CALL TO ORDER

CHAIRMAN TERRY STOCKWELL: Good morning, everyone. I'll convene the Atlantic Herring Section. I would like to welcome Emerson Hasbrouck as the new governor's appointee and re-welcome Pat Augustine as a meeting proxy for Senator Boyle.

APPROVAL OF AGENDA

CHAIRMAN STOCKWELL: We're going to go right into business and approval of the agenda. Are there any other issues to add to today's agenda? Seeing none; consider the agenda approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN STOCKWELL: Approval of the proceedings from February 2014; are there any edits or changes. Seeing none; consider the proceedings approved.

PUBLIC COMMENT

CHAIRMAN STOCKWELL: We're going to go directly into public comment for items that are not on today's agenda. Is there anyone from the public who would like to address concerning Atlantic herring? Okay, seeing none, then we're going to go directly on to the update on the New England Council's Framework 4. Melissa.

UPDATE ON THE NEW ENGLAND FISHERY MANAGEMENT COUNCIL FRAMEWORK 4 ACTIONS

MS. MELISSA YUEN: I will now provide a review of the Framework 4 alternatives adopted by the council during its meetings on April 22nd and 23rd. Framework 4 was developed to

address disapproved measures from Amendment 5. This is the dealer weighing reporting requirements and net slippage.

For dealer weighing and reporting, the council selected Alternative 2, Option C; fish holds on limited access herring vessels are required to be empty before leaving the dock when declared into the herring fishery. A waiver may be issued for instances when there are fish in the holds after inspection by an appropriate law enforcement officer.

This alternative would only apply to Category A and B permits. The intent is for waivers to be issued for refrigeration failure and non-marketable reported fish. The council also adopted Alternative 3 for third party catch verification to apply to limited access pairing vessels that store herring in the fish holds.

Vessels are required to certify capacity of the fish hold and provide this information to NMFS. Vessels retain a customized measuring stick, which is weighted, on board. A NMFS-approved observer would dip the stick at the vessel's first point of landing to estimate the weight of total catch on board for volume metric conversion to pounds of Atlantic herring.

For slippage, the council selected Alternative 4, move-along miles away option. A vessel would have to move 15 nautical miles for the remainder of its trip for slippage due to safety, mechanical failure and spiny dogfish. The council also approved Option B for trip termination for all other observed slippage events to Category A and B permits. For clarification, gear damage would also be part of mechanical failure.

The council decided that catch not brought on board due to falling out of gear would not be subject to additional slippage measures. Also, a vessel owner must submit notification of slippage events via the vessel monitoring system. This requirement would facilitate enforcement of Category A and B vessels. This concludes my overview of the council's adopted alternatives for Framework 4. Thank you, Mr. Chairman.

CHAIRMAN STOCKWELL: Are there any questions? Ritchie.

MR. G. RITCHIE WHITE: Great report as always, Melissa. When you said that a vessel could leave with herring in the hold if it was non-marketable; do you know if there is a definition of what non-marketable meant; in other words, if they just didn't get the price they wanted?

MS. YUEN: I think it could be price or also if they harvested too much.

CHAIRMAN STOCKWELL: In terms of the chairman of Herring Committee, Doug.

MR. DOUGLAS E. GROUT: The answer is, no, there is no definition of what non-marketable was.

CHAIRMAN STOCKWELL: But the intent of it was that it was specific to unique problems such as RSW failures. Jeff.

MR. JEFFREY KAELIN: I think the issue there, Ritchie, was that if you have an RSW failure and the product is not able to be sold because of the quality of it. There is really very limited opportunities to put that stuff in landfills anymore; so there would be an opportunity for a vessel owner to demonstrate that the product was of poor quality and needed to be dumped at sea. That would be the only exception I think as it went down.

MR. WILLIAM A. ADLER: Now that was approved apparently by the council as a final thing and it goes now to NMFS; is that how that works?

CHAIRMAN STOCKWELL: That's correct.

MR. ADLER: Okay, now in our amendment; don't we have – one of the things in the amendment is that the hold must be clear before the boat sails again; isn't that in our amendment?

CHAIRMAN STOCKWELL: And that is our next agenda item.

MR. ADLER: I know, but I mean isn't contradictory?

CHAIRMAN STOCKWELL: One of the questions, as you see, that came from the PDT is what do we do about a unique situation such as RSW failures; so we'll have that –

MR. ADLER: So we will have that discussion.

CHAIRMAN STOCKWELL: We will have that discussion as soon as Melissa is done with her presentation. Are there any other questions about Framework 4? Seeing none; we are on to the PID, Melissa.

REVIEW OF DRAFT PUBLIC INFORMATION DOCUMENT FOR AMENDMENT 3 FOR PUBLIC COMMENT

MS. YUEN: Now I will now review the draft public information document for Amendment 3. In February 2014 the Section initiated an amendment for the four issues. These are spawning area efficacy in Area 1A; fixed gear set-aside; gear declaration; and empty fish hold provision. The first is the timeline for development of the amendment.

The plan development team has drafted the public information document for the Section's consideration for public comment. At the bottom, the earliest in which Amendment 3 may be implemented is February 2015. Okay, first a few corrections to the draft PID. On Page 4 it should say, "the start of a season" under management issues; and then on Page 13, that table should be Table 2.

The first issue is spawning area efficacy. Currently there are three spawning areas in Management Area 1A, which is inshore Gulf of Maine. The FMP requires a minimum of two 100-fish samples for two length categories by the specified dates for each area. A closure begins one week after a significant amount of spawning herring is detected in each spawning area.

If sufficient samples are not available, then an area will close on its default closure date with

the closure to last four weeks. In recent years the analysis of commercial samples suggests that sea herring may be experiencing different patterns of spawning activity than expected. In the Eastern Maine Spawning Area no spawning herring were encountered by the Maine Department of Marine Resources. There was sufficient sampling but only juveniles and non-mature adults were detected.

This area was eventually closed approximately two weeks after the default date. In Massachusetts/New Hampshire area anecdotal information has suggested that there may be disparity in the spawning season of fish collected from the northern portion of this area versus the southern portion.

The plan development team looked into this issue with the Massachusetts/New Hampshire spawning area. It reviewed the gonadosomatic index, GSI, data from Massachusetts and Maine DMR sampling programs. Both programs track each other well; and the combined dataset is well suited to continue to inform the Massachusetts/New Hampshire closure.

The PDT finds that the current spawning area boundary for Massachusetts and New Hampshire area to be adequate and further sub-areas are not warranted at this time. However, it does recommend extending the spawning closure by at least two weeks in the Massachusetts/New Hampshire area. This is due to the gear bias in the spawning area's vertical stratification.

This diagram illustrates the vertical distribution of sea herring during spawning. The spawning layer occurs near the bottom in the black while the spent fish are towards the top of the water column. Since spawning analysis is based on commercial samples primarily caught by the midwater trawl and purse seines, there is a gear bias towards the non-spawning fish.

Therefore, the PDT believes that a longer closure period by two weeks may be warranted to protect spawning fish. The management questions in the PID are: is the existing spawning closure dates appropriate for

protecting spawning herring; is the default four-week spawning closure sufficient to protect spawning herring. If spawning herring is not detected with sufficient sampling, should there be a closure? Is commercial sampling sufficient for a spawning analysis?

The second issue is fixed-gear set-aside provision. Amendment 2 established a 500 metric ton set-aside in the Area 1A's total allowable catch for fixed-gear fisheries operating west of Cutler. This set-aside is available to fixed-gear fishermen in Area 1A until November 1. After then, any unused set-aside will be made available to the remainder of the herring fleet in Area 1A until the directed fishery closes.

Statement of the problem: Fixed-gear fishermen have requested that the unused fixed-gear set-aside would not be rolled into the Area 1A sub-quota on November 1; and that is because they expect a demand for bait in the lobster fishery through the end of the calendar year. The plan development team noted that historically the sea herring migrate off the coast of Maine by November; so they're not available in November and December.

Fixed-gear landings have not fully utilized the set-aside in the past ten years. In fact, there have been no landings after November 1 since 1993. If fixed-gear set-aside is exceeded, then can still access the total area 1A sub-quota. At this time the PDT finds that there is no biological basis for or against addressing this fixed-gear set-aside provision.

The PDT also wants to note that if adjusted, the state and federal rules would be inconsistent. The management questions are should portions of the fixed-gear set-aside that are not harvested by November 1 be made available to all fishing fleets in Area 1A for the remainder of the calendar year? Should the Atlantic Herring Section decide on whether the fixed-gear set-aside will be available to the Area 1A sub-quota during the specifications' process each year?

Moving on to the third issue, gear declaration; the proposed measure would be to require vessel

owners to declare their intended fishing gear prior to the beginning of the season. Having knowledge about fishing effort – for example, the number of vessels and which gear – in advance of the fishing season may improve on projections and allow managers to set appropriate regulations to meet the needs of industry throughout the season and reduce the likelihood of an early closure.

It can also provide an incentive for fishermen to plan fishing activities prior to the start of each year. The plan development team discussed the feasibility and benefits of gear declaration and concluded that a requirement to declare gear in advance of a fishing season is not recommended at this time.

First, a system by each state would be set to collect information by either the states, NOAA Fisheries, or both on intended fishing effort and enforce compliance. There must also be consideration for fishermen who may wish to fish with multiple gears or in multiple areas.

Furthermore, the PDT does not believe this information is necessary to make projections for harvest control measures such as days out when managers traditionally hold a public hearing to collect industry input before the season; and they have the ability to call additional meetings to address the harvest control measures to respond to the fishery performance and needs.

In order for this information to be useful for projections, vessels would have to declare specific gear type and area well in advance of each trimester with no allowance for modifications in the declaration. Vessels are already reporting the area and gear type through the IVR or VMS system for each trip. With the annual variation and adjusted catch rates based on weather and fish availability, there is no guarantee declarations will make the projections any more or less accurate.

The management questions are should there be a requirement for vessel owners to declare their intended fishing gear in advance of a quota period? When and how will vessel owners declare their intended gear? Who will enforce

compliance to the gear declarations? What happens when vessel owners decide to change their gear of choice before the trip? Will vessel owners be able to declare more than one gear and area?

The fourth issue is the requirement for vessel owners to empty the hold of fish prior to departing for a trip. This is the one that the council has selected in its Framework 4. The background information is this measure is intended to address concerns about the discard of unsold herring at sea; and it is also intended to discourage dumping of unsold herring that may result from lower sales than expected and avoid the mixing of fish from multiple trips.

This is from the industry; that there is concern that fish from multiple trips can be mixed the holds are not completely empties. This has the potential to compromise landings used to inform harvest control measures and bycatch avoidance programs. Furthermore, leaving fish in the vessel's hold prevents portside samplers from observing the entirety of the trip, which can hinder the operation of bycatch monitoring and avoidance programs.

In its Framework Adjustment 4, the New England Fishery Management Council approved a requirement for vessel holds to be empty of fish prior to leaving the dock. This includes a waiver which may be issued for instances when there are fish in the holds after inspection by an appropriate law enforcement officer.

This alternative applies to Category A and B boats and is intended for refrigeration failure and non-marketable reported fish. The plan development team recognizes that fishermen may have surplus catch that cannot be sold and is challenged to dispose of. The proposed requirement to empty vessel holds of fish may be an incentive to curb wasteful fishing practices and harvest more efficiently to meet market demand.

This provision could eliminate the practice of keeping fish in the hold from one trip to another, which would mix the catch from multiple trips. The PDT does note that there needs to be

considerations for enforcement, unforeseen events that make it impossible to sell fish and vessels that land at multiple ports.

The management questions are should vessel's fish hold be emptied prior to departure for an Atlantic herring fishing trip? What are the enforcement considerations? What considerations should be made unforeseen circumstances that hinder or prevent sales of the fish, such as refrigeration failure and non-marketable reported fish? Finally, there is one last question for other issues. This is to provide an opportunity for members of the public to suggest additional issues for consideration in the amendment. Thank you, Mr. Chairman.

CHAIRMAN STOCKWELL: Thank you, Melissa, for your usual succinct and interesting report. Before we go into questions and discussion; I do want to frame the discussion by noting that the consideration of these issues were as a result of a request from Maine industry members, both harvesters and dealers. I do have one question, Melissa, before I open it up to the section; and that is Page 14 of the draft document.

Just for my clarification and that of the other Section members, we're talking about the efficacy of the spawning areas and the statement of the problem; and then we go into considerations of the plan development team; so are the considerations of the plan development team specific to the new Hampshire/Massachusetts closure only or is it for all three spawning areas?

MS. YUEN: At this time the PDT has only reviewed the Massachusetts/New Hampshire area.

DR. DAVID PIERCE: Thank you, Melissa. It is a good document; however, I need to clarify the plan development critique of the different issues that we may decide to bring forward in this amendment. I think the industry would find it difficult to understand if we propose something – if we put it out as a PID with the plan development team saying there is no problem.

It is hard to reconcile that. It is a bit embarrassing, so I need to make sure I understand and the Section needs to understand where do we have possible inconsistencies, meaning we're going to ask for comment on some issues or some potential strategy, but the plan development team has already told us there is no problem.

I'm going to go through this and I'd like you to tell me where the plan development team has said don't bother. On the spawning area efficacy, on Page 10 of the document, consideration for the plan development team, it seems to indicate that the plan development team is saying that there really is no issue with regard to the New Hampshire and Massachusetts spawning closure. Is that the case?

MS. YUEN: The PDT finds that there were no issues with the boundaries; but it recommends extending the closure by two weeks. The issue is with sampling being able to actually detect where the spawning fish are since the spawning layer is located on the bottom and purse seine and midwater trawls tend to fish near the middle or top of the water column.

DR. PIERCE: Okay, good, that's an important point and I'm glad you emphasized that. Frankly, that figure that you showed was very instructive regarding the different locations within the water column where the fish in different spawning condition can be found. All right, so an extension of the spawning closure, Massachusetts/New Hampshire, that is one of the suggestions the plan development team is offering up.

On the fixed-gear set-aside on Page 12, it seems to indicate that we need not address that; it really isn't an issue. I'm looking at the end of the first paragraph under considerations by the plan development team; and then the second short paragraph after that. Has the plan development team concluded that it really isn't an issue? They're recommending we don't address it.

MS. RENEE ZOBEL: The recommendation was that biologically either way is fine. There is no biological basis one way or the other. This I

believe was industry-driven; so whether there may be socio-economic, political reasons for it, we're not sure; but as far as biologically, we're neutral. There is no positive one way or the other biologically.

DR. PIERCE: Okay, so it still is an issue that we should bring to public hearing. All right, on the gear declaration, once again the plan development team is indicating – this is on the bottom of Page 13 – that we really don't need a gear declaration in order for us to make projections for harvest control measures; is that what the plan development team is saying? If that's the case, is the plan development team recommending we don't move forward with a gear declaration?

MS. ZOBEL: This was discussed and the consensus is that due to the nature – just to be I guess wary about it. In order for it to help us do our projections, in order to better inform the setting of days out, that type of thing, it has to be done in an inflexible way. It would have to be set before the trimester.

A vessel would have to declare and they would have no leeway to change that declaration for area and the gear. That would be the way it could potentially help by giving the variation in catch rates and whether fish availability – there is no guarantee that would happen; and because we can see the vessels come through, they have to report daily, anyway, on IVR and VMS; and the managers have the ability to react quickly to it. That is where all those comments came from, if that makes sense.

DR. PIERCE: Okay, and the empty fish hold provision; it doesn't seem as if the plan development team has any objections to that. There are no concerns raised by the plan development team on that issue; correct? All right; I'm fine, Mr. Chairman.

MS. ZOBEL: The fish hold; there was no objection that, no.

MR. GROUT: I was a little bit curious about the recommendation that there may be a gear bias going on here. Is this to say that when we take

biological or spawning samples that purse seiners and midwater trawls are not – there is no spawning fish being found in those samples; that all those positives where they met the spawning trigger came all from bottom trawls?

MS. ZOBEL: GSI samples were collected from all gear types in the herring fishery. In fact, there is a figure that is not shown where you can see post-closures there are spawning samples collected for midwater trawls in that figure.

MR. GROUT: Just a follow-up; and so the issue here is that you're trying to say that because of the fact that they're midwater – both of those gears are pelagic gears, that they may not collect spawning fish quite as readily as a bottom trawl fisherman; and so some of the samples at the end of the spawning – after we've come off the spawning period may not – because the bottom trawlers aren't generally fishing in October and November up in Area 1A and our only source of samples is primarily midwater trawls, that they may not always catch the spawning that is going on at that period of time?

MS. ZOBEL: Right; there is a statement made that there were potentially gear biases. It is just the way that the herring stack up in the water column and that sampling can't always happen from all stages of water.

MR. PATRICK AUGUSTINE: Good report. Has the advisory panel or anyone from the advisory panel weighed in on any of the comments at this early stage?

MS. YUEN: No; at this point just the plan development team.

MR. ADLER: Mr. Chairman, I know this is only a PID, which goes to an amendment, but I do see that there is going to be on gear declaration, the management questions were good questions, because, boy, I can hear it now – you mean I can go in but I can't go in; I have to declare, but what if I change my mind, and all this type of stuff is going to happen. I suppose it is all right going to the PID stage with this, but I just caution and I have concerns about this part about declaration. If you look at the four

management questions, I think they're very good questions that we really need to look hard at. Thank you.

MR. WHITE: To follow up on what Bill is saying; I know we always struggle with the days out in our days-out meeting trying to figure out what boats are going to be and what type of fishery so we can project going forward; but to date it hasn't caused us a problem. We're also concerned that it might, but so far it hasn't. I guess I would have some concern as Bill that we may be creating something that we don't need yet.

REPRESENTATIVE WALTER KUMIEGA: On the fixed-gear set-aside, if that wasn't rolled into the sub-quota on November 1st; what would happen to – and say some of it was used but it wasn't used by the end of the year; would it get rolled into the following year's quota or carried over into the following year or is that something that is not decided yet?

CHAIRMAN STOCKWELL: Should the Section decide to include that in the PID document; that is what we would be seeking comments on. Jeff.

MR. KAELIN: Thank you for the opportunity to comment, Mr. Chairman. On that issue, the federal plan only allows a sub-area rollover of 10 percent; so would the federal restriction become operative? In other words, if you didn't use the 295 tons, you only could rollover 29 tons under the federal plan. I think the fishermen would love to see the Section allow all of it to be rolled over if it is not used. My question is wouldn't the federal plan be operative and limit the rollover to 10 percent?

MS. YUEN: It is important to remember that the set-aside is not a quota.

MR. KAELIN: It is still fish that is not used.

CHAIRMAN STOCKWELL: I think the input from the industry – and I note it well in the document here – they're talking about traditional landings and traditional fisheries. We are seeing a number of changes and perhaps that was a

request from the industry to look at what changes are we seeing from climate that may be having fish closer to shore in northern New England during that time of the year. Doug.

MR. GROUT: From what I understand is the rollover applies to the sub-ACLs and not to the set-aside; and so it be based primarily on whether the overall sub-ACL was below it. The set-aside is really irrelevant to what the rollover is right now. Like we had an underage back in 2012; we've had I forget how many metric tons that were rolled over into 2014 for 1A this year, which make things more available for the fishery as a whole.

MR. KAELIN: We haven't had a chance to discuss this as an AP, but I'm just trying to wrap around it. In other words, the set-aside, if it wasn't utilized and the fishery had closed and everybody was out of there; that would add to the potential underage for the following fishing year based on wherever the ACL ends up then?

CHAIRMAN STOCKWELL: That's correct. Are there any other questions or comments? Pat.

MR. AUGUSTINE: Are you ready for a motion?

CHAIRMAN STOCKWELL: Go for it.

MR. AUGUSTINE: **I would like to move that the board approve the PID as presented today with any changes that were noted.**

CHAIRMAN STOCKWELL: Motion by Mr. Augustine; is there a second? Second by Bill Adler. Is there any discussion? Bill.

MR. ADLER: The last section of the PID had a section about any other issues to be brought and put on the PID; and I didn't know if anybody had mentioned anything in addition or just go with what we got here?

CHAIRMAN STOCKWELL: I haven't heard any additions. I think we're opening this up for public comment. Are there any further comments or comments from the audience?

MR. RAY KANE: My name is Ray Kane, commercial fisherman, Fishing Vessel Frenzy. Ms. Yuen, if you could go over – I believe your last statement on this PID is something acknowledging the public comment period. It was the very last statement.

MS. YUEN: Are you talking about the question on other issues?

MR. KANE: Yes.

MS. YUEN: Yes; the final question in the public information document just asks for any additional issues that the public would like to suggest for consideration in the amendment.

MR. KANE: Thank you. As you all know, I've sat in this audience for years, both here and the New England Council. Being part of the public, I would hope that this PID is transparent, thoughtful and comprehensive. It is a document going to the public and they have to be able to understand this.

I have issues about observer programs, discrepancies in numbers and how this relates to this commission is with river herring and sea herring. My final comment will be I see bullet number six. I'm just curious as to why we started discussing Nantucket Shoals and Georges Bank in August of 2012; how come this cannot be rolled into this amendment. Thank you.

CHAIRMAN STOCKWELL: Hold that thought to a public comment period. Are there any other comments from the audience? Seeing none; back to the Section. David.

DR. PIERCE: I would like to highlight a point that was just made by Ray Kane. It is not in amendment. I suspect this should not be in the amendment. It might be an issue more appropriately addressed by the River Herring Board. I'll highlight the reason why. The sea herring fishery is sampled at sea by the Federal Observer Program; and it is also sampled at portside by the Division of Marine Fisheries and Maine DMR.

Fairly recently there was one trip of herring that was landed in New Bedford where my staff estimated from the sampling of the catch dockside that approximately 145,000 pounds of haddock was landed. That obviously was of great concern because we have a haddock bycatch cap. I understand, of course, ASMFC does not deal with haddock.

However, we do deal with river herring. The observer indicated on that particular trip about 45,000 pounds was landed' so that is a huge discrepancy between what an observer reported versus what was found after the catch was sampled portside. It is understandable; many more samples are taken portside than at sea.

I raise this in the context of river herring bycatch; and that if, indeed, there can be such a great discrepancy in observer record of what was caught versus what was landed for something like haddock that is quite easy to discern from a herring, I wonder about the ability of the board to actually know what is being caught and landed by sea herring vessels when they're – how much river herring actually is being landed.

I don't have a motion to make, but I would suggest, Mr. Chairman, that this issue could be remanded to the River Herring Board for further review. I'll make what information I have available; I will make it available it to the River Herring Board and ASMFC staff. I believe we have to involve the National Marine Fisheries Service as well since this has implications. Like I said, it is not something for the amendment, but it is an issue that we need to address, especially since the public is becoming increasingly aware of it. Ray Kane, of course, made a point of it.

CHAIRMAN STOCKWELL: And I would also suggest that you make the information available to the Mid. The Shad and River Herring Committee is going to meet at the upcoming meeting in New Jersey. Doug.

MR. GROUT: When Amendment 5 to the Herring Plan was being developed, there was an analysis done by the PDT that compared dockside sampling to at-sea sampling. While

some of them did line up, there were many that there were some discrepancies between some at-sea observer and dockside sampling.

There is other information that has already been developed that could be brought in to bear here. It was one of the things where I think we struggled with ourselves because we were hoping to find out which one estimated it the best; and we didn't come to a good conclusion on that other than I think you do take more samples at dockside than at sea; so that may point to where you're more precise estimates or accurate estimates might be coming from.

CHAIRMAN STOCKWELL: Are there any final comments or questions? Jeff.

MR. KAELIN: I just have a question on the timeline on Page 1. There is no mention of an AP Review. I assume that would take place between now and July, the end of July and before the August board meeting. I would like to see the AP review specifically mentioned in that box, if that's possible.

MS. YUEN: I can definitely put that in, but the AP and the technical committee will get a chance to comment on the amendment.

CHAIRMAN STOCKWELL: Are there any final comments? Seeing none; are there any objections to the motion on the board? Seeing none; **consider the move to approve the PID with the changes made today approved.** Thank you, everyone, for some constructive dialogue.

UPDATE ON THE GEORGES BANK/NANTUCKET SHOALS STUDY

We're on to Agenda Item Number 6, an update on the Georges Bank/Nantucket Shoals Study. I will turn this over to Toni. This was an agenda issue at the Northeast Regional Coordinating Committee (NRCC) meeting several weeks ago.

MS. TONI KERNS: The Herring Section had asked the Policy Board to send a letter to the New England Fishery Management Council, NOAA, as well as the Northeast Fisheries

Science Center regarding the Nantucket Shoals Spawning Study; that the technical committee had put together an overview budget and program for.

We brought it up at the NRCC meeting. Those of you that are not familiar with NRCC; it is a coordinating council that gets together with the commission, the New England Fishery Management Council, the Mid-Atlantic Council, the GARFO, as well as the Northeast Fisheries Science Center.

We brought up the spawning study to see if there was a way that we could coordinate and come up with funds for the project. Currently what we are going to do is have the Northeast Fisheries Science Center read over the technical committee's proposal for a study. They are going to see if there is any additional sampling that can be done in the current sampling programs that are going on through the Northeast Fisheries Science Center; and also see if they have any additional suggestions to the study and get back to the commission prior to our August meeting.

We will have a more thorough report on their suggestions for this study, what additional observers or additional sampling that can go on and then get back to the Section; and then we can go forward with a plan from there – so report out from NRCC at the August Section Meeting.

CHAIRMAN STOCKWELL: And I would only add that the NRCC was provided with a complete copy of the correspondence from the work that was generated by our technical committee. Are there questions for Toni? Sarah.

REPRESENTATIVE SARAH K. PEAKE: Toni, thank you for your follow-through on that and for pursuing those steps. I saw in the packet of materials that there was a letter sent to the New England Council. Have we received a response from them or would that response have been encapsulated with what happened at the NRCC Coordinating Committee Meeting?

MS. KERNS: I believe that response would be encapsulated with the Coordinating Committee. We sent them a letter to let them know that we were going to be bringing up the issue at the Coordinating Council Meeting just to give them a heads-up so they wouldn't be surprised.

REPRESENTATIVE PEAKE: Thank you very much. I'll wait until August for the next installment, the next chapter in this book. Toni and I had a conversation before the meeting earlier today and, of course, it seems like what all this boils down to is finding the funding to make it happen. I don't know what rocks we can turn over to find some funding.

I have to say since our conversation this morning, I have had the little musical ditty running through my head "Money Makes the World Go Round". In this case I think money makes the research go round; so we'll continue to pursue that. Again, thank you for your consideration and efforts.

CHAIRMAN STOCKWELL: Are there any other questions for Toni? Before we go to other business, I just want to check in with David and Doug. Because this PID is 1A specific, you are interested in a public hearing? Okay, the three of us will work Melissa offline and set up the dates and we can get them published.

OTHER BUSINESS

CHAIRMAN STOCKWELL: Is there any other business to come before the Herring Section today? David.

DR. PIERCE: Well, not so much other business, but I wanted to point out that with regards to the concern that Sarah has expressed and we have put in the letter that was sent to Tom Nies about the importance to protect Georges Bank Herring during the spawning season; and I mentioned earlier on the catch of haddock – maybe it is an anomaly; maybe not – differences in at sea versus port sampling.

There is a lot of haddock out there on Georges Bank and this bears watching in that it is possible that the Georges Bank Haddock Cap might be caught relatively early this year; May 1

being the start of the season; and that would mean that we'd have a de facto spawning closure. Again, it bears watching. Hopefully, the midwater trawl boats, those other boats are able to avoid the haddock so the cap is not taken; but it very well could happen.

MR. KAELIN: I just wanted to make a comment about that particular incident. There is a new operation in the fishery and one particular individual who was operating in a way that is not traditional in the fishery; that guy is going to the Azores to run one of those boats. We're happy to see him go, frankly.

ADJOURNMENT

CHAIRMAN STOCKWELL: Are there any final comments? Seeing none; the Herring Section is adjourned.

(Whereupon, the meeting was adjourned at 10:50 o'clock a.m., May 12, 2014.)

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