

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

**The Harborside Hotel  
Bar Harbor, Maine  
October 27, 2016**

**Approved January 31, 2017**

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## INDEX OF MOTIONS

1. **Motion to approve agenda** by Consent (Page 1).
2. **Motion to approve proceedings of February, 2016** by Consent (Page 1).
3. **Move to elect Mark Gibson as vice-chair of the Atlantic Herring Section.** (Page 2). Motion by Dennis Abbott; second by David Simpson. Motion carried (Page 2).
4. **Move to initiate an Addendum to improve the performance of the Area 1A Atlantic herring fishery** (Page 5). **The purpose of this addendum is to develop additional management alternatives for the landings day program. These measures will include:**
  1. **Mandatory daily reporting. Two options: Category A, B and C permits and Category A and B permits.**
  2. **Modify the day out program such that the small-mesh bottom trawl fleet (SMBT) with C or D herring permits could have a different allocation of landings days and times that are separate from the purse seine and mid-water trawl fleet landing days.**
  3. **Modify the program to restrict fishing days for purse seiners and midwater trawlers, in addition to landing days. Two options: Category A, B and C permits and Category A and B permits.**
  4. **Modify the program to create a weekly landing limit (pounds or trucks) for purse seines and midwater trawls. Two options: Category A, B and C permits and Category A and B permits.**
  5. **Modify the program to restrict harvester vessels making at-sea transfer for purse seine and midwater trawls. Two options: All carrier vessels landing herring are limited to receiving at-sea transfers from one vessel per week and no transfer at sea.**
  6. **Modify the program to implement a tiered weekly landing limit for Category A and B permits.**
  7. **Modify the program to allow for a set-aside a percentage or value of the Area 1A sub-ACL for the SMBT.**
  8. **Modify the program to restrict a vessel from using a different gear type mid-season within Area 1A.**
  9. **Clarify what it means for states to “agree” on the numbers of days out in the fishery, does this mean consensus or vote? If states, cannot agree then what is the default landing day scenario, 7 landing days?**

Motion by Terry Stockwell; second by Doug Grout. Motion carried (Page 11).

5. **Move to allocate the 2017 Area 1A sub-ACL seasonally with 72.8 percent available from June through September and 27.2 percent allocated from October through December. The fishery will close when 92 percent of the seasonal period quota has been harvested; and underages from June through September may be rolled into the October through December period (Page 12). Motion by Doug Grout; second by Terry Stockwell. Motion passes unanimously (Page 12).**
6. **Motion to adjourn by Consent (Page 13).**

## ATTENDANCE

### Section Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	David Borden, RI (GA)
Steve Train, ME (GA)	Mark Gibson, RI, proxy for J. Coit (AA)
Doug Grout, NH (AA)	Dave Simpson, CT (AA)
G. Ritchie White, NH (GA)	Dr. Lance Stewart, CT (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Melissa Ziobron, CT, proxy for Rep. Miner (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Emerson Hasbrouck, NY (GA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	Jim Gilmore, NY (AA)
Bill Adler, MA (GA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Tom Baum, NJ, proxy for D. Chanda (AA)

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

### Ex-Officio Members

Renee Zobel, Technical Committee Chair

Rene Cloutier, Law Enforcement Representative

### Staff

Robert Beal  
Toni Kerns

Ashton Harp  
Amy Hirrlinger

### Guests

The Atlantic Herring Section of the Atlantic States Marine Fisheries Commission convened in the Stotesbury Grand Ballroom of the Bar Harbor Club, Harborside Hotel, Bar Harbor, Maine, October 27, 2016, and was called to order at 11:12 o'clock a.m. by Chairman G. Ritchie White.

### **CALL TO ORDER**

CHAIRMAN G. RITCHIE WHITE: Okay we're going to get started with the Atlantic Herring Section. We still have a presentation being downloaded, but I think we can start and hopefully that will be downloaded by the time we get to it.

### **APPROVAL OF AGENDA**

CHAIRMAN WHITE: We'll start with the agenda, approval of the agenda. Are there any additions or changes to the agenda? Seeing none; the agenda is adopted by consent.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN WHITE: Next approval of proceedings from February, 2016, is there any changes or additions to the February, 2016 proceedings? Seeing none; those are adopted by consent.

### **PUBLIC COMMENT**

CHAIRMAN WHITE: Next public comment and this would be comment on issues not on the agenda. That is important. We have a full agenda.

We don't have much time, and we don't make good decisions when we're hungry; so I want to try to get through this. Is there anybody? Oh, I'm sorry, we have a list. Okay Shawn, you're first, and again something that is not on the agenda. If you could identify yourself and what vessel or industry you represent.

MR. SHAWN ROCKET: Shawn Rocket for the Western Sea. Glenn Robbins wasn't able to make it. There were six boats in the fishery this year, and for herring for next year there are more boats that are saying they're going to

come. We were trying to look at possibly doing historical participation or doing ITQs in the future for quota, and trying to slow this down with the boats that have been participating for the last eight years, and saying only for 1A.

CHAIRMAN WHITE: Thank you, Shawn and that opportunity to speak on that later in the meeting you will have that opportunity. Next is Jennie. You want to pass at this time, Jennie? Okay John Connelly. You're going to pass; thank you. Boy, I can't read the next one, Coffin, pass; thank you. Daniel Phil.

MR. DANIEL FILL: I'm Daniel Fill; I'm a Maine native. I've been in herring fisheries since 1982, 34 or 35 years. We need to address drastically the 1A area anyway, and a control date. If we add more boats to the mix things could get worse, as far as the assessments. There should be a limit on new entrants into it. If the boats haven't had to utilize this fishery they shouldn't be able to just jump into it, because it would hurt people like me and the other boats that have weathered out a low quota every year for all these years. We need to address when we can do stock assessments; that is quite vital. This year there – I've been doing this since '82, and I've never seen so many fish.

It has gotten more and more every year in the last eight years, but this is a very important issue. We ended up low quota and more boats got into it, and we self-regulated at a Maine state level with a certain amount of poundage per week landed. We needed to do that because normally there are four boats that fish that area during June 1st to October 1st, the same fish seine only zone.

But two more boats got into the fishery, and that cut what I make back by 30 percent and my crew; and my crew are all state of Maine natives as well as the other seiners. But we need to address, and probably in all areas; 1B, 2, 3, 4, 5, 6 whatever, of all these latent permits that are not being used.

Because they can theoretically just throw a net on and jump into any zone and go. I just feel bad about historical participants that will be hurt, and have weathered out the low quotas. Once and if the assessments ever get done, analyzed, and we do go up on the quota, this is going to make a lot of other boats just jump right into it.

There are 38 category A, all access permits federal out there; and God knows how many B permits. This is going to have to be addressed, and it is going to have to be addressed very soon or we're going to have a big mess coming up. I would rather think ahead and get things done, or started, because politics is a slow thing from the way I see it. If we can get this on the agenda, maybe we can save a headache later on in the next year or two. Thanks.

CHAIRMAN WHITE: Thank you, Glenn. Last one, boy I can't read the writing, Biggen, Robbie. Pass; thank you.

#### **ELECTION OF VICE CHAIR**

CHAIRMAN WHITE: Okay, next on the agenda is election of a Vice Chair. Dennis Abbott.

MR. DENNIS ABBOTT: **I would like to nominate the gentleman from Rhode Island, Mr. Mark Gibson to be the next Vice Chair.**

CHAIRMAN WHITE: Is there a second to the motion? David Simpson. **Any objection to the motion, seeing none; you are onboard.** Next on the agenda is the review and discussion of the white paper on the fishery performance and alternative management tools that are possible going forward.

#### **REVIEW AND DISCUSS WHITE PAPER ON FISHERY PERFORMANCE AND ALTERNATIVE MANAGEMENT TOOLS**

MS. ASHTON HARP: I am going to walk through the Atlantic Herring Area 1A Fishery Performance and Alternative Management Measures for the Section to consider today. The white paper that was included in briefing

materials and this presentation, focus on effort in the inshore Gulf of Maine; known as Area 1A, from June through September in the 2015 and 2016 fishing season.

For reference the coastwide Atlantic herring annual catch limit is divided amongst four management regions. The quota for each management region is called a sub-ACL. ASMFCs Atlantic Herring Section manages Area 1A; it is the focus of this presentation. However, I will also touch on Area 3 as well. The Section can distribute the Area 1A sub-ACL to best meet the needs of the fishery. The actual splits are set as part of the annual specifications process. Since 2009, the Section has split the Area 1A sub-ACL to trimesters as shown, where zero percent of sub-ACL is allocated to January through May, 72.8 percent is allocated from June through September, and 27.2 percent is allocated from October through December.

The Section also utilizes days out of the fishery to slow the rate of Area 1A harvest so the seasonal quota can be spread throughout the entirety of each trimester. The phrase "day out" originally meant one could not fish or land on that particular day, rendering it a day out of the fishery. At present it refers to a no landing day.

Prior to each trimester, Section members from states that are adjacent to Area 1A, which includes Maine, New Hampshire and Massachusetts, with input from stakeholders, set the number of Area 1A landing days per week via days out meeting. At each day's out meeting the Atlantic Herring Technical Committee provides projective landing day scenarios; based on the catch rate from the previous three years.

The states adjacent to Area 1A agree to the start date, the number of days out of the fishery per week, as well as the consecutive days of the week a vessel can land Atlantic herring. For example, four days out would be interpreted on a weekly basis; meaning four consecutive days out of each week will be no landing days.

If states cannot agree to the specific days then the decision will go before the full section at the next ASMFC meeting, or a special meeting of the Section called by the Chair. Adjustments to the days out can only be made if the state's hold another meeting or a conference call. The majority of the Area 1A sub-ACL has been allocated during the months of June through September, also known as Trimester 2.

This time period largely overlaps with the peak months for lobster landings, as shown in this figure. Herring is the most widely used bait type for lobster traps. This table shows the landing days during Trimester 2 of the Area 1A fishery from 2011 to 2016. At the start of the season managers make planned landing day adjustments based on fishery performance from previous years.

At times managers have to make reactionary changes in season to increase or decrease the landing days based on the amount of seasonal quota that is available. I have noted when reactionary changes were made; in 2011, 2012, and 2014 managers gradually increased the amount of landing days such that the Trimester 2 ended with 7 landing days to ensure the seasonal quota was harvested.

In 2013 the season opened with 7 landing days and was restricted to 0 landing days at the beginning of September. In 2015 managers planned to gradually increase the amount of landing days, but instead the fishery was restricted to 0 landing days at the end of August. In 2016 the Section planned to gradually increase the number of landing days in June and July.

However, higher than expected landings in the latter half of June resulted in landing day restrictions in mid-July and mid-September. In 2015 the rate of landings accelerated in August, such that the seasonal quota was exceeded on August 28, triggering a 0 landing day scenario for all of September; a peak month during the lobster fishing season. This figure illustrates the

2015 monthly Atlantic herring landings by management area. Area 1A is in blue, Area 3 is the purple line, and you can see Area 2 in the earlier part of the year is in orange. The Atlantic herring landings from June through September came from Areas 1A and 3. In 2015 herring landings in Area 1A sharply increased during the month of August.

During the same time period landings in Area 3 dropped to 0. The Area 3 landings likely dropped due to concerns related to the haddock catch cap; 63 percent of the haddock catch cap had been harvested by midwater trawl vessels directing on herring in July. The lack of Area 3 landings in August disrupted the flow of herring to markets, and put more pressure on Area 1A.

On August 26, the Commission scheduled an emergency days out call to discuss the increase in Area 1A landings. Ultimately the sudden increase in effort in August could not be diminished by decreasing the number of landing dates; rather the Area 1A fishery moved to 0 landing days on August 28.

For context I have compared the 2014 and 2015 landings by month and management area. As one can see, the 2014 herring landings in Area 1A and 3 increased simultaneously to meet the needs of the bait market, whereas the 2015 landings in Area 1A and 3 are inverse of each other. If Area 1A is the sole supplier of herring for the bait market at any one given time, as it was in 2015, then there will likely be supply issues. The Area 1A quota alone cannot provide enough supply for the bait market.

The 2016 fishing season started with limited herring in the freezers. The above average landings at the start of 2016 and thereafter, led to emergency restrictions for vessels landing in Maine; on behalf of Maine DMR. These measures were more restrictive than those of the Commission. This figure illustrates the 2016 monthly Atlantic herring landings by management area.



Area 1A is the blue line, and Area 3 is the purple line. The 2016 Area 1A Atlantic herring fishing season opened in June and the landings quickly rose to double the expected value. For example, three weeks into June the fishery was projected to have harvested 1,300 metric tons. However 2,800 metric tons had been harvested.

During June through August, the peak lobster season, the primary source of Atlantic herring landings was from Area 1A. Similar to 2015, but earlier in the season, Area 3 landings became stagnant; which put more pressure on Area 1A, therefore landings in Area 1A increased to address the bait shortage. Area 3 herring fishermen reported finding some Atlantic herring schools, but they were intermixed with haddock schools.

This was likely a deterrent to fishing in the area, because a Georges Bank catch cap was exceeded so early in the 2015 fishing year. The increase in the number of carrier vessels has rendered the days out program less effective in controlling effort, because vessels can transfer a large amount of harvest to carrier vessels at sea; allowing harvesters additional days of fishing beyond the days that are opened to landings.

Acknowledging this practice in an attempt to extend the Trimester 2 quota into September, Maine DMR implemented a series of emergency rules that were more restrictive than those of the ASMFC regulations. They included a weekly landing limit, restricted landing, and fishing days; as well as at-sea transfer restrictions. DMRs measures only apply to vessels landing in Maine. New Hampshire and Massachusetts only implemented one of these management measures, the three consecutive landing days. The Area 1A fishery moved to 0 landing days on September 18th of 2016. The following two slides provide alternative management measures, given the recent concerns during the 2015 and 2016 fishing season that have been reviewed in this presentation.

I'll briefly review each bullet, and we can have more discussion later on. This first slide is alternatives that would apply more to effort controls. The Section can modify the Area 1A in-season allocation, modify the days-out program such that landing days are no longer consecutive, and modify the days-out program to restrict fishing days in addition to landing days, modify the days-out program to create a weekly landing limit.

In addition, harvester vessels are limited to making at-sea transfers to only one carrier per week. All carrier vessels landing herring are limited to receiving at-sea transfers from one vessel per week. These are exactly the same as the Maine DMR regulations from this year. The Section could restrict a vessel from operating the vessel using a different gear mid-season in Area 1A.

The Section could choose to clarify what it means for states to agree on a number of days out in a fishery. Does this mean a consensus or a vote? If states cannot agree, what is a default landing day scenario, seven landing days? I will also say that these are just the suggestions that were brought forth by Commission members to me prior to this meeting; that is where this list originated.

The management measures on here apply specifically to small mesh bottom trawl vessels. The Section could choose to modify the days-out program such that the small mesh bottom trawl fleet could have a different allocation of landing days and times that are separate from the purse seine and midwater trawl fleet landing days. The Section could set aside a percentage or a value of the Area 1A sub-ACL for the small mesh bottom trawl fleet. Those are the alternative measures that were brought forth at this time, and now I will accept questions.

CHAIRMAN WHITE: That was an excellent presentation of a very complicated fishery, for those that have not been involved in it on a regular basis. I would like to start out first with

questions just on the history of the fishery. That part of the presentation before we get into the management options going forward.

Are there any questions on the history of the fishery and what's happened in the last few years? Okay great, going forward, questions on the management options that we could look forward to going forward; prior to commenting on them. Are there any questions of clarification? Okay now I'll take comments or ideas or motions going forward on these management options. Terry.

MR. TERRY STOCKWELL: Thank you Ashton for a bucket load of work, I really appreciate you providing us with that concise and clear report. Certainly there has been a changing trend, and it has provided a lot of challenges for us in the subsection of the Herring Section to balance out our days out.

For whatever reason, the trawl fleet out in Area 3 has not been able to access fish out there. We are at the tipping point of addressing some capacity issues in the inside part of area Area 1A. I have a motion to initiate an addendum, and it is going to be very close to approaching a violation of the David Pierce Rule; if you can get it up on the board.

MR. PATRICK KELIHER: I don't think it is approaching a violation, I think you exceeded it.

MR. STOCKWELL: Pat informed me I exceeded it. **But what I'm going to move is I am going to move to initiate an addendum to improve the performance of the Area 1A Atlantic herring fishery. The purpose of this addendum is to develop additional management alternatives for the landings day program. Number 1 and much of the proposed measures here are built off of Maine's emergency rules in the attempt to work with our goal to spread the landings out throughout the season and to provide an equal playing field.**

**First alternative is mandatory daily reporting with two options: Category A, B and C permits and Category A and B permits. Number 2, modify the days-out program such that the small-mesh bottom trawl fleet with C and D permits could have a different allocation landing days and times that are separate from the purse seine and midwater trawl fleet landing days.**

**Number 3, modify the program to restrict fishing days in addition to landings days for purse seine and midwater trawlers. Two options: Category A, B, and C permits and Category A and B permits. Number 4; modify the program to create a weekly landing limit (pounds or trucks) for purse seine and midwater trawlers. Two options: Category A, B and C permits and Category A and B permits.**

**Number 5; modify the program to restrict harvester vessels making at-sea transfer for purse seine and midwater trawlers. Two options: All carrier vessels landing herring are limited to receiving at-sea transfers from one vessel per week and the second is no transfers at sea. Number 6; modify the program to implement a tiered weekly landing limit for Category A and B permits.**

**Number 7; modify the program to allow for a set-aside a percentage or value of the Area 1A sub-ACL for the small mesh bottom trawlers. Number 8 is to modify the program to restrict a vessel from using different gear types during midseason within Area 1A; and Number 9 is to clarify what it means for states to "agree" on the number of days out in the fishery. Does this mean a consensus or vote? If states cannot agree, what is the default day landing scenario?**

CHAIRMAN WHITE: I think David would have been proud at that motion. Is there a second to the motion; Doug Grout. Discussion on the motion, Terry do you want to start out?

MR. STOCKWELL: This is a suite of alternatives that have been discussed by industry. I

understand very clearly that some may or may not be able to be done within an addendum. But the absolute intent is to have something definitive in place for the 2017 fishing year. As our collective staffs work together to put the meat on the bones of these measures, some will fall out, some will be perfected, and some will be amended. But we need something in place, different; we need additional tools in the toolbox than we have right now for this coming year.

CHAIRMAN WHITE: Anybody else, Doug.

MR. DOUGLAS E. GROUT: Clearly this particular year we've just been through has been a great challenge. We should definitely give the state of Maine great credit for the rapid and quick responses they made to be more conservative than what was provided for in the plan. I think it is important that we start at least considering trying to codify some of these in our ASMFC process, so that we can try and make sure that there is a supply of bait coming out of 1A, the supply of herring coming out of 1A is spread out over the major lobster fishing season.

Another issue that's been near and dear to the state of New Hampshire, but also applies to some vessels in the states of Maine and Massachusetts, is the small-mesh-bottom trawls; which account for roughly about 1 percent of the total harvest out of 1A. They've had to abide by these days-out rules, which were really designed to try and constrain the directed fishery; which is responsible for 99 percent.

It has been to the detriment of the small-mesh-bottom trawls, which are essentially day-boat fishermen that go out and catch a small amount of herring every day. Having the ability to only go out a couple days a week is just not making them viable. When most of them are already constrained by small-mesh-bottom trawl restrictions in the ground fish fishery, which means they can't even start fishing until July 15th of the year, and they are restricted to the very specific areas where they can fish where they have low bycatch of groundfish species.

They are already constrained much more than the directed fishery. I am hoping that as part of this that we can kind of move them off to the side, and let them fish and catch their 1 percent while we try and direct our efforts at constraining the major source of herring coming out of 1A, so that we will have a consistent supply coming throughout the entire Period 2 quota.

MR. WILLIAM A. ADLER: Terry, Number 8, could you go back to that Number 8 and explain what that means?

CHAIRMAN WHITE: Go ahead, Terry.

MR. STOCKWELL: Thank you for the question, Bill. This Number 8 is resultant of some conversations I've had with industry that are concerned about a vessel changing their gear type in the middle of a season and moving into Area 1A. You know as we work within the Section we make our projections at the beginning of the year.

We try to determine the number of landings days and if any of these other alternatives are available for use. It might be the number of pounds landed. It would allow the Section to be able to better plan how to be able to parse out the available quota, if we have some information in hand at the beginning of the season.

MR. ADLER: If I may.

CHAIRMAN WHITE: Go ahead, Bill, follow up.

MR. ADLER: Yes in other words, they basically if they're midwater trawlers, they can't half way through the year change to a purse seine to come in? Is that where you're getting? You want them to sort of declare, you are going to go in here as a purse seiner or not.

MR. STOCKWELL: Well, I'm not going to express my opinion upon whether or not about the trawlers or not, but this would be an alternative for the Section to decide if they wanted to know

what the population of vessels was going to be that were going to fish within a year. They would know that there would be X number of purse seiners. Should the trawlers declare that they want to fish in there, as they are more than legally allowed to do with purse seine fishing gear, it would be nice to know, from my perspective, how many we're counting on at the beginning of the season.

MR. ADLER: Actually I agree with that.

MR. DANIEL McKIERNAN: As you know, I'm sitting here on behalf of David Pierce, so I have a lot to say on this. I support this motion.

CHAIRMAN WHITE: David would have been disappointed at that response; any other questions? Before I go to the public, I just want Aston to quickly go over the timing of this process to make sure the public understands their opportunity to give input to this going forward, as well as today.

MS. HARP: I did want to hear back. I am going to present a proposed timeline, and I did want to hear back from the Section on the feasibility of it. If the Section does move to approve Addendum I to Amendment 3 today, then the PDT could develop this addendum and then present it to the Section at the February meeting.

I would then solicit public comment during the spring, so from like February, March and April I would come out to the states and solicit public comments on these management options. Then in May the addendum would be presented back to the Section again, as well as the public comments.

Then comes in the time period where I need the Section to provide input, because then the season starts June 1. That is a little less than a month after the Section might possibly approve this addendum, and is it possible for these management measures to be implemented that quickly, and should we rush it or should we give

a little bit more time and bring the addendum before the Section in May, instead of February.

CHAIRMAN WHITE: Now, open up for public comment. Mary Beth, did you have your hand up?

MS. MARY BETH TOOLEY: I did sort of have a question relative to the wording of the motion, and the gear type declaration sort of raised it to me; in that I think there needs to be clarity about what time period we're talking about. If you make a gear declaration for the year, are you doing it for a specific trimester, for the entire year? What is meant by that particular measure?

Perhaps some of the other measures as well. Is it for if we have differential landings days for small mesh bottom trawl, would that be for the year versus for the trimester; perhaps on the gear type. The motion is unclear on that particular point. I think that would be all I had at the moment.

CHAIRMAN WHITE: Terry, do you want to respond?

MR. STOCKWELL: I'm sorry Mr. Chairman, I was having a sidebar. Could you rephrase the question?

CHAIRMAN WHITE: Go ahead Mary Beth, if you want to.

MS. TOOLEY: Sure. Terry, I was just commenting that this issue of declaring a gear type for the year, with the trimesters that creates some specific issues. Was it really the intent of the motion for a gear type, which I'm not sure I support, but I'm not going to comment on that at the moment, for just the second trimester versus small fish bottom trawl? Differential days out could perhaps be an annual consideration. I think on those particular points the motion is unclear.

MR. STOCKWELL: Good question, Mary Beth, thank you for that. My intent, at least for a trawl vessel coming in would be for a declaration for the Trimester 2 period only. I certainly understand Trimester 3 and 1 there is going to be fishing effort elsewhere. You're going to go where you need to go.

CHAIRMAN WHITE: Anybody else from the public? Go ahead, sir. Okay, Jeff.

MR. JEFF KAELIN: Good morning, or good afternoon members of the Section. I'm Jeff Kaelin with Lund's Fisheries. We have two midwater trawlers that we carry fish with in the second trimester, and try to harvest fish in the third trimester in the Gulf of Maine, and try to get to Georges when we can.

As everybody knows, we're trying to get some flexibility around the haddock catch cap at the council so that we can avoid the seven month shut down that we had last year, and the kind of timid activity this fall; where we were staying away from the herring on Georges, because there was so much haddock that couldn't be distinguished on the machines.

We're investigating different techniques; we're talking about an SK project that would have cameras on the boats so we could actually see whether the fish was a haddock or a herring and so forth. It is a very complex problem that we're trying to resolve. I don't want to comment right now, but there were a couple of questions I had about the data in the document, to help analyze some of these options.

I'm supporting the motion, obviously the broad motion, and we'll have a lot of time to pick it apart. But specifically, Ashton, on Table 5 on Page 10, I don't really understand why the years used are 2000 to 2007, because it doesn't really tell us what is going on today, and as you pointed out 2009 was when the trimesters system was developed.

It is my recommendation; it just seems to me that you would want to analyze this with the more current years, 2009 to 2016 to see what is really going on, including reports of catches by state and catches by gear type. It could be that providing information by state may be confidential, possibly, but I just don't think that the 2007 analysis does much for us in trying to parse this apart. I guess that is a question to you. Why did you choose that time period to do the analysis of the harvest levels during the period of concern?

MS. HARP: Thank you, Jeff for the question. I did not choose those dates for this. These tables were actually included in Amendment 2, the previous amendment, and this is what the Section put in there as how they would like to look at setting the annual specification process. We could do the trimesters, which was what we've always done since 2009 or there are these bimonthly quotas that we could do as well, which the TC has some strong concerns as to how we would manage it using bimonthly quotas, but regardless. This was carried forward from Amendment 2. There was not a specific request from the Section to change the allocations in these for Amendment 3, so therefore it was just carried forward.

MR. KAELIN: I guess in my view they're the wrong years to analyze, and similarly we're sympathetic to the small mesh bottom trawl issues that are embraced in this motion. But here again, it is extremely difficult to analyze the situation as a member of the public. We don't have any information on small mesh bottom trawl catch by permit, are the D permits are they C permits?

Are they landed in Massachusetts? Are they landed in Maine? How much latent effort is there in that category? To what extent are we encouraging a directed fishery, moving away from an incidental fishery? I just think before it goes out to the public, Mr. Chairman, I'm making a recommendation that that whole issue be analyzed in a lot more detail.

I'm sympathetic, as I said, but it is difficult to understand exactly what's going on Mr. Chairman. I think I'll stop there. I appreciate the opportunity to make comments. The other thing I'll say is I hope that there is an opportunity for an AP meeting or a call in the timeline that was described by Ashton. Finally I'll just say, it is a nice piece of work, Ashton, and I appreciate it. Thank you.

CHAIRMAN WHITE: There is the plan to flush out more of the details on the small mesh bottom trawl, so that certainly will be part of the addendum. There will be more information coming on that. I would believe that we will have an AP meeting in this process.

MR. KAELIN: Good, I understand it's early and I appreciate the opportunity to make some comments, thanks.

CHAIRMAN WHITE: Anybody else from the public? Go ahead, sir. Oh, I'm sorry, Jennie. I saw a hand back there. All I could see was a hand sticking up, sorry.

MS. JENNIE BICHREST: Thank you kindly, Mr. Chairman. I assume that we will have time once this goes forward. I think the only thing I want to pick on right now or hope we possibly will have some input in is the carrier situation, and only being allowed to have vessels choosing their carrier. I still think it's really not a good idea to be encouraging that situation.

We've always done a really good job in Maine of sharing fish so that we're not dumping, sorry people cannot guess exactly how many they have in their seine, and I still think that between the fact that you're already limiting, carriers are going to be a thing of the past pretty quickly here, because you're asking the vessels to choose; making less money by giving fish to their carrier that they've loaded for years and years.

Then now only saying, Danny might have extra fish that he'd be willing to give away, so that the fish live instead of dumping them; but he can't

because that is not his designated carrier. I hope we'll have an opportunity to discuss that more and maybe be a little wiser about it.

CHAIRMAN WHITE: Anybody else? Go ahead, sir.

MR. DANIEL FILL: Yes, Daniel Fill, herring seiner Western Wave. Yes, I would like to confirm what Jennie is asking about the transfer at sea to a carrier or a seiner. As a seining captain and the way the schools of fish have been, and there have been a lot of big schools. Much of the time season this year and the last prior years, we try not to get big sets of fish.

I've been doing this for 34 years. I do a lot of different things that are not even by the books to try not to get extra fish. But sometimes it is just in the cards, you can't help it. I'm not getting any monetary gain from transferring fish to Jennie's carrier or another seiner. It is a good way to keep the fisheries going, because I know another seiner will sit for a couple trucks, and they'll end up with getting as many fish again as what I just dumped to the bottom.

We all basically know what we are doing. We're not doing it for monetary gain; maybe it's more glory than anything. But we always try to figure that at some point throughout the summer, we gave fish away to this boat it will come back. At daylight we don't have our full trip and another boat has extra fish in their pocket they can't use. Instead of dumping it to the bottom, they'll give it to us. It has worked this way since I started in '82. If we can really address this and try to keep me and a lot of people honest. Thanks.

CHAIRMAN WHITE: Thank you for your comment, Terry would you like to respond?

MR. STOCKWELL: To that point to both Danny and Jennie's comments about carriers. It is certainly not the intent to eliminate carriers. What is being proposed is a full range of alternatives. As you guys know, we had a pretty extensive conversation that involved reporting

and enforcement on how to move ahead during this past summer's fishery.

We're going to be looking between now and February for other alternatives to get in this document that is going to work for the fishery. I'm hoping that should this move ahead that we'll have that discussion and put out operationally viable alternatives that will help us manage the fishery, but we've got to be crystal clear.

If we have additional seiners coming into Area 1 next year, there is going to be less fish to divvy up. How we do it is critically important to all of you. That is what I'm trying to get, is something that evens the playing field and keeps you guys working.

CHAIRMAN WHITE: Anybody else from the public? Go ahead, sir.

MR. GLENN LAWRENCE: Yes, I'm Glenn Lawrence; herring carrier Double Eagle. I've been carrying herring in the Gulf of Maine since 1929; and we're talking a little bit about carriers here, and I'm not really sure where I am going to fit in here anymore. Probably it's on the way out it sounds like. The way things are going with the pie.

We talk about a pie in the Area 1A, which isn't really a slice of the overall pie for the overall TAC. I'm not sure what the percentage is, maybe roughly 20 percent. The more boats that are coming into this fishery, in the Area 1A, this past year I was pretty much, I'm out of it. I don't get anything unless the seiner that I work with and have been working with for a long time allowed me to take some of the fish that he could have carried himself. I can only see it getting worse, the more pressure that is put on Area 1A, more boats coming in, quotas being cut down per boat. That is about it. I just figure I have to say something; because I guess I'm the oldest carrier in the fleet. Hopefully we can do something to make a future for us all. Thank you.

CHAIRMAN WHITE: Thank you for your input. There will be additional times for your input going forward in this process, so thank you. Anybody else from the public, seeing none; back to the Section. Any more discussion, questions?

MR. ADLER: What is the possibility that we could move along with the timeline that was just described? In other words, I guess drawing up an addendum, if it's approved to be drawn up. Come back in February, hash out stuff, and then go out to public hearing in the spring, back in May for perhaps final approval? Is that a realistic thing?

CHAIRMAN WHITE: I guess there are a couple of parts to the answer to that, Bill. A few of these may require federal participation. Then the other part would be how fast the states can implement some of these. At this point I guess it is unclear whether we can, if we pass it in May, whether all the regulations that we pass could be in place for June 1st.

MR. ADLER: I do suggest that we don't make this too complicated. I mean the white paper is very good, but it had a couple of things in it, I go, are we going to get into this stuff? It is going to get buried. The idea of the simplicity to make it move a little faster, I think would be productive.

CHAIRMAN WHITE: I agree, and to the degree that you can make this complicated situation that we can explain it to the public in a simple manner. I mean Ashton worked very hard in her presentation, but as you know it is very complicated in how this fishery has been prosecuted this last year. But we certainly will try to keep it as simple as possible; anybody else? Doug.

MR. GROUT: Well, just to respond at least from the state of New Hampshire's standpoint of how quickly we could implement some rules to be in compliance with whatever we decide here. I will tell you first of all, we could probably get most of the rules in place in less than a month. Not much less, but less than a month.

But some of the things in here that are being contemplated, for example having differential days for small mesh bottom trawls, we really don't have to implement to have it in place until July 15th, because they're not allowed to fish until July 15th in the small mesh bottom trawl area off of Ipswich Bay. But some of them, it may be a challenge to get it in for New Hampshire by June 1st, but pretty close. I don't know about Massachusetts or Maine on this.

MR. STOCKWELL: Good question, Maine actually has a number of these measures already in place. Once the Section finally comes up with a decision, we need a decision in May, and Maine will implement through the commissioner's emergency rule making authority; whatever measures the Section approves.

It is our intent that we have an even playing field and with most of the boats landing in Maine for the primary market, we don't want to see our boats leaving, going down to another port and playing by a different set of rules. We are trying to provide bait for the lobster fishery; I've been here advocating for all week long.

MR. ADLER: We can do most of this either by permit restrictions or emergency action if we have to, with the approval probably of our Marine Fisheries Advisory Commission; which pretty much meets monthly anyway. Massachusetts would probably be able to get on the ball.

MR. EMERSON C. HASBROUK: A question I guess perhaps for Ashton or maybe our representatives or commissioners from Maine. I'm just wondering why there isn't much of a catch from Area 1B or 3. Is it that the herring aren't there? Is it the haddock bycatch issue? Is it that the vessels aren't set up to fish out on Georges? I'm just wondering if there is so much effort in 1A, why some of that doesn't spill out into 1B or 3.

CHAIRMAN WHITE: Terry, do you want to take that?

MR. STOCKWELL: Sure, thanks Emerson. You've been lucky enough to have been well removed from the Atlantic herring politics. But the body of water in the Gulf of Maine is Area 1A, and it's the states of Maine, New Hampshire and Massachusetts that share the landings responsibilities for that second trimester fishery; 1B and all the other areas are not regulated through the Section. This Section specifically regulates the landing days for Area 1A.

CHAIRMAN WHITE: Emerson, I would add to that the Area 3 situation as was discussed by Ashton that the haddock bycatch has in the last two years has created a situation where the landings from Area 3 have been drastically reduced. That is part of what caused this problem in 1A, so there wasn't the bait flow from Area 3 that in past years had been coming in. We're not sure that that is going to change, even though the haddock cap is going to be raised. We're still not sure what the landings from Area 3 will be.

MR. ADLER: Just to continue what you just said. Apparently the way it works out there is if they can find the herring out there it is good. But if they catch too much haddock and they exceed the cap, the area is closed by the federal government to herring fishing; even if the herring quota in Area 3 has not been taken. If the haddock catch is capped then they're out.

As far as 1B goes, it looks very nice, nice big area with I forget now what exactly the quota is, 2,000 pounds or something; some small thing. If they find the herring in 1B, which is outside of 1A, then it can close; and I think it was a year or two ago it closed real quickly. They found some herring out there and that was the end of it. That's the problem with Area 1B and 3.

CHAIRMAN WHITE: Anybody else, or are we ready to vote on this? We need a caucus, 30 second caucus? Okay if we're ready to vote. Does the motion need to be read? Okay, we will send you a David Pierce e-mail. Is there any objection to this motion? **Seeing none; it passes**



**unanimously.** Go ahead, Bob. I would add the understanding is that we're going to proceed with all due speed with the intention of a May approval.

EXECUTIVE DIRECTOR ROBERT E. BEAL: This is just a follow up on that idea, a plea to have the PDT members that are on your staffs make some time available. The notion of keeping it simple may have already gone by the wayside, given all the wording on the board. Any help we can get and Ashton can get would be great. There is that coordination factor with the council. We have to figure out what areas overlap. We're going to have to deal with those folks. It's a lot of work to do between now and February, but we'll push as hard as we can.

CHAIRMAN WHITE: Great, thank you, Bob. Okay next agenda item and last is setting the 2017 specifications for 1A. Ashton.

#### **SET THE 2017 ATLANTIC HERRING SPECIFICATIONS FOR AREA 1A**

MS. HARP: Okay, so I'm going to briefly talk about the Area 1A specifications. In previous years or at the 2015 annual meeting the Section approved the Area 1A sub-ACL as part of the 2016 through 2018 Specs Package. There is a three-year-specs package. Just for knowledge, the Area 1A sub-ACL of 30,300 metric tons represents 28.9 percent of the stock wide ACL.

Since 2009 the Section has split the Area 1 ACL into trimesters, where 72.8 percent is allocated from June through September, and 27.2 percent is allocated from October through December. For the 2016 fishing season 95 percent of the Trimester 2 seasonal quota was harvested. The fishery then went into Trimester 3, where the Area 1A fishery closed on October 18th of 2016. With that I'll take questions.

CHAIRMAN WHITE: Any questions? Do we have a motion? Doug.

MR. GROUT: I believe Ashton has this or Amy has it. **I move to allocate the 2017 Area 1A TAC seasonally with 72.8 percent available from June through September, and 27.2 percent allocated from October through December. The fishery will close when 92 percent of the seasonal period quota has been harvested, and underages from June through September may be rolled into the October through December period.**

CHAIRMAN WHITE: Is there a second to the motion? Terry. **Any questions or comments on the motion? Seeing none; is there any objection to the motion? Seeing none; the motion passes unanimously.** Is there any other business to come before this Section? Bill.

MR. ADLER: Are we planning to do the usual meeting of the Section to determine starting June 1 what happens? I mean we're still on target for that stuff, right?

CHAIRMAN WHITE: That's correct. We'll pick out a date when that gets closer. Thanks for that, Bill though, for reminding us. Any other business to come before the Section? Go ahead, Mary Beth.

MS. TOOLEY: Mary Beth Tooley; O Hara Corporation. This motion just brought to mind a couple of things relative to specifications, and the Commission meets jointly with the New England Council in setting the three-year-annual specifications. That has been a good process that has worked well.

However, we have rollovers on an area basis from year-to-year and deductions for any overages for any sub-ACL, and so the numbers actually change. They don't stay the same during the three year period. I was just wondering, does the Commission make those adjustments as the federal plan makes adjustments, or not?

MS. HARP: Yes, every year there are underages or overages; as well as the 3 percent RCA, and

295 fixed gear-set-asides are deducted with the federal government.

MS. TOOLEY: That's good to hear. That doesn't take any action by the Commission, it is just an automatic, and you update your numbers based on that?

MS. HARP: Yes.

MS. TOOLEY: Thank you.

#### **ADJOURNMENT**

MR. WHITE: Thank you, any other business? Seeing none; it's time for lunch. We are adjourned.

(Whereupon the meeting adjourned at  
12:12 p.m. on October 27, 2016.)