

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

The Langham Hotel
Boston, Massachusetts
November 7, 2011

Section Accepted: February 2012

TABLE OF CONTENTS

Call to Order, Chairman David Pierce	1
Approval of Agenda.....	1
Public Comment.....	1
Approval of Proceedings, March 2011	1
Review of the 2011 Fishery.....	1
Set 2012 Addendum I Specifications	9
Update of NEFMC Amendment 5	10
Election of Vice-Chair	22
Other Business.....	22
Adjournment	22

INDEX OF MOTIONS

1. **Motion to approve agenda** by Consent (Page 1).
2. **Motion to approve proceedings of January 7, 2010** by Consent (Page 1).
3. **Move to allocate the 2012 Area 1A Sub-ACL seasonably with 72.8 percent available from June through September and 27.2 percent allocated from October through December. The fishery will close when 95 percent of a seasonal period's quota has been harvested and underages from the June through September period may be rolled into the October through December period** (Page 13). Motion by Terry Stockwell; second by Bill Adler. Motion carried (Page 13).
4. **Move to nominate Terry Stockwell as Vice-Chair of the Atlantic Herring Management Board** (Page 30). Motion by Ritchie White. Motion passed by Consent (Page 30).
5. **Motion to adjourn** by Consent (Page 30).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Rep. Peter Martin, RI (LA)
Dennis Damon, ME, proxy for P. White (GA)	Dave Simpson, CT (AA)
Sen. Brian Langley, ME (LA)	Lance Stewart, CT (GA)
Doug Grout, NH (AA)	Rep. Craig Miner, CT (LA)
G. Ritchie White, NH (GA)	Pat Augustine, NY (GA)
Rep. Dennis Abbott, NH, proxy for Rep. Watters (LA)	James Gilmore, NY (AA)
David Pierce, MA, proxy for P. Diodati (AA)	Byron Young, NY, proxy for Sen. Johnson (LA)
William Adler, MA (GA)	Peter Himchak, NJ, proxy for D. Chanda (AA)
Rep. Sarah Peake, MA (LA)	Tom Fote, NJ (GA)
Mark Gibson, RI, proxy for R. Ballou (AA)	

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

Ex-Officio Members

Matt Cieri, Technical Committee Chair

Jeff Marston, Law Enforcement Committee

Staff

Vince O'Shea
Robert Beal

Chris Vonderweidt
Kate Taylor

Guests

The Atlantic Herring Section of the Atlantic States Marine Fisheries Commission convened in the Wilson Ballroom of the Langham Hotel, Boston, Massachusetts, November 7, 2011, and was called to order at 8:00 o'clock a.m. by Chairman David Pierce.

CALL TO ORDER

CHAIRMAN DAVID PIERCE: I call the meeting to order. Welcome to Boston for those who are just arriving and, of course, those who arrived last night. I am listed on the meeting overview as being employed by the state of Maine (laughter), which some people might think that's true. With that correction, we have an agenda that is scheduled to take us from 8:00 o'clock to 10:30. I'll be very surprised if we go that long.

I think it depends a lot on Lori Steele. Lori Steele, staff member of the council, who has a tremendous amount of work on Amendment 5 to the Sea Herring Management Plan, is scheduled to give an update at 9:20. We will expect that she will arrive despite the Boston traffic. I suspect she is prepared for that or anticipated it.

APPROVAL OF AGENDA

I am the chair as of September. Later on this morning, probably within the hour or so, we will elect a vice-chair. Are there any changes to the agenda? All right, I see no desire to change the agenda; therefore, we will consider it adopted for our business this morning.

PUBLIC COMMENT

We have now an opportunity for the public to speak and to address any issue that is not on the agenda, an issue you might like to raise in the context of the business that this Herring Section does. Anyone in the audience care to address the Section? Bill.

MR. WILLIAM A. ADLER: Did we approve the proceedings?

APPROVAL OF PROCEEDINGS

CHAIRMAN PIERCE: Well, not yet, Bill, I'm getting there. So, with no members of the public interested in speaking to the Section, we will then go on to next item on the agenda, which is approval of the proceedings from March 21st. I have a motion from Bill Adler to approve the proceedings; a second from Pat Augustine. Is there any objection to approval of the proceedings? I see none and we will

consider the proceedings approved. Next will be a review of the 2011 fishery, and Matt Cieri is prepared to review what has transpired over this last ten months or so.

REVIEW OF THE 2011 FISHERY

DR. MATT CIERI: Good morning. My name is Matt Cieri. I'm the current TC Chair for Atlantic herring, and I work for the state of Maine. It's a pleasure to be here in front of you this morning even though it's always early for herring on the first day. Anyway, I'm going to give an update on the catch and sampling from the 2011 Atlantic Herring Fishery despite the fact that we haven't actually closed out this year. As you guys may or may not aware, there is a few different types of reporting systems when it comes to Atlantic herring.

The first one that we've used up until recently and continue to use in some fashion has been the IVR report or the Interactive Voice Reporting System. Basically this gives a cumulative catch by vessel by management area and it wasn't trip level. Outside of that, there were also the dealer landings. These are the recordings of landings by an individual vessel on a per trip basis.

This gives us really good information on much has been landed but it doesn't give you such things as discards, gear used and area fished. It also doesn't tend to include state-only permits for a variety of different reason for many of the states with the exception of Maine. Like I said, it doesn't deal with bycatch.

VTRs are probably the most useful types of reporting systems particularly when it comes to a stock assessment. This is a monthly spatially resolved trip level reporting system that basically gives everything from exact location to gear used, area landed, port landed to, et cetera, et cetera, et cetera. But because it was only being used on a monthly basis, it wasn't very useful for quota monitoring for this particular fishery.

Up until recently the National Marine Fisheries Service has been using a combination of the IVR Reports, the SAFIS Dealer Reports and the VTR for quota monitoring for the National Marine Fisheries Service. However, during this year – and I believe it was about September – the National Marine Fisheries Service actually put in a rule that moved the VMS Reporting System, which is currently used in other fisheries, to be used for Atlantic herring for Category A, B and C vessels.

Category D vessels are still calling in on a weekly basis or I believe daily basis, and I don't remember which, as a Category D vessel. And then the VTRS went from being monthly to now weekly reporting, and so we have more timely reports when it comes to Atlantic herring and catch by area.

The breakdown so far this year, as of October 31st, as of Halloween – and this is pretty much what it looks like. The red line is Area 2 there; and as you can see, the fishery sort of increased from about a January 1st start date up to about 12,000 metric tons where it has pretty much held steady there as far as cumulative catch for the time period.

Area 3 is in the blue line and that's actually a very interesting development. This year Area 3 skyrocketed up initially after starting landing in about mid-May and reached the quota by about the end of September and was closed, as we'll discuss a little bit later. Area 1B in the black line started off fairly consistently throughout most of the time period, from a June 1st start date up until you get to about October 1st and then catch rates actually exploded after October 1st, right up until the quota and it was recently closed as well.

And then, of course, Area 1B, which had a very, very small quota of a little over 4,000 metric tons, bumped along here and there with small catches up until the most recent time period in September where we had a couple of really good landings out of Area 1B, and it closed very directly thereafter.

To give you a sort of historical perspective of what this might look like compared to other years, the dark red line is 2011, and you can see the cumulative catch for 2011 compared to other years; for example, the blue which is 2007 and the purple which is 2008. The other blue line, which on mine is actually light blue, is 2010. What you'll notice actually is that catch in Area 1A has been lower than average. The catch rate has been lower than average but higher than it certainly was last year.

So the catch rates have been a little bit higher than it was last year but overall catch rates are below average. Taking a more detailed look at some of our days-out management measures, the spawning closures and some of their effects on catch rate, you can see each one of those is management changes onto the number of days fished. We started off initially with two days and then moved to three, finally to four, and then a full seven days a week allowed for fishing up until about October 1st in

which case it was cut back to five and then was readjusted back to four.

The other thing that might be a little bit difficult to see on this particular graph is the three overlapping spawning closures that occur; the first one starting just about August 15th, and you can see how they overlap. In general, unlike other years, we had a significant overlap in our spawning closures in each one of the areas.

Normally that doesn't happen quite as intensely as it did for this particular year, but there was probably about a week and a half time period in which no area of the Gulf of Maine was open in which all the areas were closed as a result of spawning closures. However, if we take a look at the overall catch rate, as you remember I discussed the catch in Area 1A. The catch rate was actually off, lower than average but higher than last year.

If you actually take a look at the overall catch fishery-wide of all the areas, you can see that actually 2011 is shaping up to be a fairly banner year. While catch rates in Area 1A have been lower than they are on average, overall catch in Area 3 has more than made up for that, and the result is that catch rates and catch in general is up in 2011 versus other years with the possible exception of 2009, and as we know the fishery is not over yet. It won't end officially until January 1st or whenever the Area 2 quota is fully utilized.

Moving on, something else I wanted to draw your attention to that I've e-mailed some of the commissioners about over the last probably couple of weeks, of course, we always take a look at length when we sample fish in the fishery. In fact the regulations that govern how we implement our spawning closures rely around taking fish of a certain length and comparing them to other fish in that particular length bin and looking to see what proportion of the population is spawning.

When we put those regulations in place to look at only adults, which we classified at the time as being above 24 centimeters, we did this back here in the timeframe of the 1990s, back there. As you can see and as I've pointed out for the last few years and has been relevant in the TRAC, actual size at age for Atlantic herring have been decreasing fairly dramatically over the time period.

The result is that red dashed line is the regulations. Basically we look at only fish that are 24 centimeters and above in determining the spawning closures. The

blue line and dots is actually mean length at age in Area 1A during the spawning season for age three. Age threes are the first year in which Atlantic herring spawn. We have gotten to a point now in which herring have gotten smaller to the point where the mean length at age three is actually below our cut-off. The result is that you end up seeing a lot of fish that are spawning condition that are above age three, that are below the cut-offs used by our regulations to determine spawning closures. This is something that you guys might want to keep in mind.

So, average three fish, which is the first year of spawning, is below our target sampling length when it comes to Atlantic herring for determining the spawning closures. We're seeing age three fish, the first year in which they spawn, below 23 centimeters and they are in spawning condition. Their gonads are developing and in some cases they have been ripe and running. However, they've been below the cut-off used for determining spawning closures.

Another update that I have actually is from the 2010 catch-at-age matrix. This is an important piece of the assessment puzzle as we gather data for an upcoming assessment, and we have some pretty interesting things to show. Most notably is the 2005 year class here highlighted in yellow. As you can see, it actually looks like a fairly strong year class.

This should be in the plus group during the next assessment cycle, but what you can see is that it has been fairly sizable; almost double of the other year classes that are surrounded as far as catch-at-age matrix lies. The other thing to keep in mind is the 2008 year class, which is showing signs of also being a fairly large year class.

If you look at the catch of these particular fish at age two, you'll notice that the last time we caught that many fish in that particular size was back in 1996, and that was the '94 year class. Should this hold true, this particular year class looks like it might be on track to be very similar to the 1994 year class, which was a very strong year class in the fishery.

The other thing to keep in mind is to take a look at the number of individuals that were caught at age one in 2010, which was also fairly sizable fishery-wide, and we haven't caught those kinds of one year olds since roughly about 2003, out of the 2003 year class, so again that's also showing moderate to strong recruitment as well.

But, of course, for 2008 and for 2010 it is going to take a few more years within the catch-at-age matrix

to determine whether or not those are in fact strong year classes. So to sort of wrap things up and sort of a take-home message and give you a summary of what has gone on so far; as far as catch-wise for Area 1A the catch has been lower than average.

However, the catch rate is significantly more than it was last year. 1A closed fairly early this year, and that was due in part to a lower TAC as well as very high catch rates after October 1st. This also includes 3,000 metric tons that was rolled over from the New Brunswick Weir Fishery per council directives and as released by the National Marine Fisheries Service.

For 1B it closed roughly October 1st. It's a very small quota, below 5,000 metric tons, and goes very quickly. For Area 2 there has been very little activity. The winter fishery in Area 2 was down significantly from previous years, which tended to average somewhere around 20,000 metric tons, and this year there has only been about 12 caught so far.

However, Area 2 is still open until January 1st or whenever that quota is attained. Area 3 had a banner year. In fact, it had the highest catch rates over all the areas and closed for the first time on October 3rd. However, NMFS is set to actually reopen the Area 3 fishery for a couple of days starting November 7th. There is about 2,000 metric tons still available, and so they've opened it up for prosecution by the fishery for a couple of day.

Also, as I showed earlier, there has been a drop in length at age. Age threes are now below 23 centimeters on average during the spawning period, and this suggests some sort of re-examination of that lower cut-off for determining spawning closures. Our catch-at-age matrix reveals some very strong and some weak year classes associated with catch since we did the last assessment in 2006.

We have very strong year classes for 2005 and we're taking a wait-and-see attitude for what it looks like for 2008. The assessment fun starts January with a data meeting, and then we're going to roll into peer review by June and then specifications for both you guys as well as the council to start thereafter. This is an assessment year and we're rolling right along with that. That is about what I have.

CHAIRMAN PIERCE: All right, thank you, Matt. Does anyone have questions for Matt? Dennis.

MR. DENNIS ABBOTT: Could we go to the slide on the catch rates in Area 1A? A comment there is that for the past several years we have been adjusting

the days out in the summertime. We've involved ourselves with extra meetings, and you see this past year, which is not unfamiliar with previous years, we went from two days to three days to four days to seven days.

If you look at the graph, the net effect appears to me and should everyone that what we did was largely ineffective. I don't think that the days out – the way I feel is that the days out aren't affecting the catch in the summer; but what happens in the fall is when the prosecution of the fishery changes, then the catch rate goes way up.

I just think there is a message there that maybe we should be more liberal when we start the season instead of ramping up every few weeks to make the catch rate where we want it. I have a question of Matt; with the average length of the age threes decreasing, what does that hint at? Is something going on in the environment that is causing these fish to not have enough food or whatever, ocean warming or whatever; do you have any comments on that, Matt?

DR. CIERI: This is something that we've actually been tracking since I believe the 2003 assessment when we first started to notice it. As the herring stock has rebounded in the nineties, average size at age, both length and weight fishery-wide has dropped by about 25 percent. It seems to be somewhat related to the population density although that's a really hard thing to actually imagine considering these guys feed so low on the trophic level.

I mean, they're reading copepods and you shouldn't be running out of copepods anytime soon. The question has come about from different academic institutions whether or not it's not the amount of food but the quality of food that is being eaten, whether school density is so high that it actually limits the food rationing associated with it, or whether or not as the stock rebounds that the ability for individuals that grow a lot slower becomes more apparent in the population; not so much that everything is growing slower, but before, when you're under high exploitation, only the fastest-growing fish survive, and now we have such a good survivability that the ones that don't grow so fast tend to also be in the population now.

MR. ABBOTT: Thank you, Matt. From your explanation is that indicative that maybe we should be catching more herring?

DR. CIERI: We will certainly wait until the assessment comes from that one. In general it could be some environmental factors or it could be lots of different factors. We do take account of this when we do the assessment.

Even your quotas are in tons, we translate the fish back and forth between number of fish that are able to be caught to pounds; and then when we figure out how many pounds have been caught, we translate that back into number of fish. We're keeping track of all of this stuff during the assessment process. However, whether or not there is drop or increase in weight at age or length at age is indicative of a population density, that still remains to be seen.

MR. ADLER: Matt, back on that chart that showed where the spawning closures were; my question was I remember looking at the charts before and there was always supposedly a flatline to some degree when the spawning closures came in, and yet I'm looking here that the catches keep going up through the spawning closure period, which we were sort of figuring would be a little flat, and would that be the result of fish being caught in 1A but outside of the actual spawning closures or is there another reason?

DR. CIERI: That one we probably won't know for a while. It's only after the VTRs get finalized that we get exact catch location. All we know right now is how much has been caught out of 1A and not where it was caught within 1A. The VTRs are a little more timely. They're on a weekly basis; however, the VTRs themselves, we're still dealing with the first reporting year.

It is certainly very possible that is due to the fact that people were fishing in areas that were not closed, which is probably more than likely a possibility. In general while there are some areas that are closed for spawning, there are other areas in 1A that are still open, and that might be where all the catch comes from.

You will see that there was actually a fairly flatline as far as catch for about a two-week, three-week period in around after September 1st until about September 10th, and that was probably the result of spawning closures because that was also I believe the overlapping between eastern Maine and western Maine. Does that answer your question?

MR. TERRY STOCKWELL: Matt, could you update the Section on the work you're doing with the University of Maine towards the assessment?

DR. CIERI: There are a number of different activities that are going on for this upcoming assessment. We've contracted with Yan Chen from the University of Maine, and I have been working with him on trying to develop a length-based modeling approach as well as give some idea as to the sensitivity and proclivity, I guess, of the retrospective pattern, how it comes about and whether or not that actually should impact management decisions when it comes to setting total allowable catch and those types of things. That work is actually moving along.

Other people from the Northeast Fishery Science Center have been throwing around different modeling approaches, including a west coast model called SS-3, but in general for right now we're only at the data gathering stage. While we've played and monkeyed around with a few of the different modeling suites that are out there and we're trying to develop stuff, right now probably the first order of business is to nail the data down that goes into the model, because all of your models can be pretty horrible if your data going in isn't quite so good.

REPRESENTATIVE CRAIG A. MINER: When you mentioned that the size of the fish were trending 25 percent smaller, my question is does that equate in some way to their reproductive capacity? Do they therefore have 25 percent less eggs or 25 percent less sperm and so on or is there no net effect?

DR. CIERI: We're actually looking into that directly. Right now I think probably the best way of looking at it is that a smaller fish, that's 25 percent smaller produces 25 percent less eggs because its gonad is 25 percent smaller as well. That seems to be the net result. Whether or not there is an additional decrease on top of that because of some sort of nutritional issue is something else that we're actually trying to take a look at.

We've actually got a fecundity study at Maine DMR going on in which we're trying to take a look at whether or not those gonads actually are smaller, whether they stay the same relative to the body size and whether or not the eggs contained within them are also 25 percent less. We're actually looking at that a little bit more, but it can have some effect on recruitment, yes.

MR. PATRICK AUGUSTINE: A follow-on to that question would be if I were to compare the quality or size of the eggs of another species of fish such as striped bass in that the larger striped bass produces better quality – and you know what that's all about

more than I do – but the number of eggs could be similar, is that not true, in the case where gonads would be smaller and then the capability of the female would be smaller.

I'm trying to follow the logic in your response to Representative Miner's question. Maybe the quality of the eggs remain – I'm sorry, the quantity of eggs remain the same but are less vibrant or so on. Could you address that? I mean, it's a stretch but I'm trying to get the relationship between the two.

DR. CIERI: Actually it's not a stretch, and that's the other thing that we're looking at. We've actually had a proposal in to look at egg quality, basically how much fat is located inside the herring egg, to look at those types of things because those things affect survivability. You might end up having a smaller fish with less gonad and less dense eggs; but if your eggs are actually a whole lot better than average, then probably it ends up being a wash, which is certainly a possibility. Those relationships are things that we're going to be examining.

CHAIRMAN PIERCE: Yes, Matt, I've got a couple of questions. The drop in the size of herring when they're first spawning, that is to age three, I didn't notice was that including Georges Bank or was that only for the Gulf of Maine?

DR. CIERI: No, that's only for Gulf of Maine age three females. This is actually very important because when you go through and you take a look at your spawning regulations, when you're trying to make your spawning closure determination, what ends up happening is you have fish that are ripe and running in spawning condition, but the area can't close because regulations set where that line is, and those fish need to be 24 centimeters or above.

CHAIRMAN PIERCE: Okay, and again regarding the catches that are occurring or have occurred recently, you indicated that catch-at-age two was around 381,000 metric tons, I believe. The data that you showed us in the catch matrix; does it indicate that the fishery in the Gulf of Maine notably has shifted in a very significant way on to juvenile fish, much smaller fish than the fishery has been targeting in recent years? That's an awful big catch at age two and it's reminiscent of the catches that occurred back in the 1970s when so much concern was raised about the take of small age three fish. Could you enlighten us as to what is happening with the fishery now; has it shifted to small fish?

DR. CIERI: By and large, no. What I showed in the catch-at-age matrix was actually numbers of fish total. I think in general there has been somewhat of an increase in juvenile catch. Most of that is actually because of those strong year classes. The fish have to be there in order to catch. But whether or not the fishery is actually refocused in on juvenile fish is something that doesn't seem quite so apparent. It just seems to be that they catch a lot of juvenile fish when there is a strong year class; and when there isn't a strong year class, they don't tend to.

CHAIRMAN PIERCE: Well, I'll just note for the benefit of the Section that, as noted, when the juvenile fish are abundant the fishery will target them, and it seems that they certainly did target the smaller, younger fish in a major way. Whether that should generate any concern by the Section is subject for debate.

Matt, you indicated numerous times that right now the size of fish age three is below the cut-off to determine the spawning closures. Did the technical committee at any time recently consider what the appropriate size should be in case we turn to the technical committee seeking advice as to how we should adjust the size?

DR. CIERI: No, in fact this is actually something that has been very recently discovered and worked up by other members of my staff at DMR. This is brand new information that hasn't been in front of the technical committee. The last time you guys actually determined the appropriate size and age and other things associated with spawning I believe was 1999 or 1995, so it has been nearly a decade.

CHAIRMAN PIERCE: Okay, thank you, and one final question. Relative to the nature of the fishery as it has progressed this year, you indicated that 3,000 metric tons did roll over into Area 1A from the New Brunswick Weirs. Could you indicate when that happened?

DR. CIERI: You'd probably have to check the website. The National Marine Fisheries Service are the guys that actually deal with that particular issue. We got the notice, for example, that the area was going to close and then that they had already rolled in and already configured 3,000 metric tons already in their closure. I believe the council voted to do something where it was supposed to be released on or about November 1st. I'm a little unclear as to the exact mechanisms to roll that in and Lori would probably be a better person to ask for that one.

CHAIRMAN PIERCE: Okay, so for the benefit of the Section it appears that the Service did, as we anticipated they would do, factor in the 3,000 metric tons that indeed to keep the fishery open longer than it otherwise would have been, so that turned out to be of benefit to the Area 1A fishery, certainly. Lori, do you have any further details regarding that action by the Service? If not, perhaps I could turn to one of the National Marine Fisheries Service representatives in the audience. If you have anything that would help us understand exactly what the Service did relative to that rollover, we'd appreciate it. Sorry for putting you on the spot; the rollover of the New Brunswick Weir fish, 3,000 metric tons, did occur; and for the benefit of the Section I wanted to document when that did occur, how did the Service handle that?

MR. BOB ROSS: The best I can do at this point, Dave, is I can try to track that down before the end of the meeting and get back to you.

CHAIRMAN PIERCE: All right, thank you. Any further questions for Matt? Yes, Lance.

DR. LANCE STEWART: Matt, I worked way back in the eighties looking at site-specific areas for spawning especially this time of year and the turnover of the water in the essential offshore banks like Jeffries and Cashes and them. As critical for spawning aggregation and benthic spawning, they're different than the other herring, as you know.

I don't see any bottom assessments or indication of potential protected areas for a key critical time of benthic spawning. Has the science team looked into that further or have there been any other visual assessments of what the densities of benthic eggs and hatching success might be at some of these sites?

DR. CIERI: No, there hasn't been any work done on that particular issue. Surveys cost money and right now money seems to be in short supply among most of the states. There hasn't been a lot of survey work when it comes to Atlantic herring other than some bottom trawl sampling, the sort of spawning aggregations and so on.

There was some work done a little down east by I believe by Island Institute for a couple of years looking at some of those issues, but the results were confined to that particular area; and without a historical perspective you don't know whether or not it's more or less than it was ten or fifteen or twenty years ago.

DR. STEWART: I was just concerned about the ecological environmental conditions as some of those proven sites year after year were repetitive mass herring bed deposition zones and were the benthic algae of the same densities.

DR. CIERI: There hasn't been a lot of work looking at spawning beds for Atlantic herring and some of the environmental factors that go into disturbance and those types of things. There was some initial work I believe done in the initial amendment I believe in 1999, and I believe that's most recent we have.

CHAIRMAN PIERCE: Okay, Matt, in light of all of this new information you have provided that is quite enlightening, I'll ask the question when is the assessment going to be completed? I know it has been a work in progress for a while with you being involved and working group initiatives. When can the Section expect to see a completed sea herring assessment?

DR. CIERI: After the SARC in June.

CHAIRMAN PIERCE: Okay, after the SARC in June. Any further questions for Matt? All right, it's relatively early in the morning and we have a member of the public who wishes to speak who arrived a little bit late, I will indulge Mary Beth Tooley. Mary Beth, you have indicated you would like to address the Section on something that is not specifically related to the agenda.

MS. MARY BETH TOOLEY: Mr. Chairman, there were a couple of things that came up. One is the question of whether or not the fishery targets juvenile fish. Certainly, in recent years the fishery is looking for adult fish. It is what the market wants. Certainly, if you have a strong recruitment that occurs in the Gulf of Maine, you may find that smaller fish are all that is available and you'll see that reflected in the catch.

The other question that came up was the rollover that occurred. The agency made the determination that the rollover would be available to the fishery as of October 15th, but the regulations say that it doesn't actually occur until November 1st. They felt that the best way to deal with that was to include that in their projections for the total catch in the fishery so that we could avoid closures and openings and disrupting the fishery, and they did that.

As Matt indicated, the fishery actually closed before we hit the November 1st. They included it in their projections but couldn't physically add it to the

number until November 1st, so it gets a little bit confusing. But additionally to Matt's presentation, he noted the way that they calculate the spawning closures are based on the regulations and that the size of the fish have decreased so you have fish spawning below the 24 centimeters.

We really do need to make an adjustment to those regulations so that we are counting all fish that spawn. As I think I have been saying during public comments now for a number of years, the spawning regulations, the way they're currently configured are problematic to the fishery and we would like to see some assessment of the change that occurred I think in 2008; that is a change from a spawning tolerance of 20 percent to a total closure of the areas.

This year we had a total closure in the Gulf of Maine and that's the first time that I can recall that ever happening. The fishermen have been very supportive of the spawning regulations since they went into place in the 1980's, but currently the way that we have these closures, it's extremely disruptive and having total closures in the Gulf of Maine during the height of the market season is quite problematic.

As I've said in the past, if the Section could consider a review of the spawning regulations, the effectiveness of the total closures versus the tolerance, and certainly we do need to have some consideration of at least changing the regulations so we're counting all fish that spawn. Thank you, Mr. Chairman.

CHAIRMAN PIERCE: Thank you, Mary Beth. Chris has a clarification he would like to make.

MR. CHRISTOPHER VONDERWEIDT: I just wanted to clarify what the current definition in our plan for spawn herring is. As the presentation earlier pointed out, it was from our Amendment 1, which was based on the size of the fish. However, our Amendment 2 – and it was also included in the language of Technical Addendum 1 to that Amendment 2 – define spawn herring as ICNAF Gonadal Stages 5 and 6. I think that the regulations in Maine might be a little bit – they might be consistent with Amendment 1, which all those larger fish are within those gonadal stages. I just wanted to clarify that the current definition is the Gonadal Stages 5 and 6 in our plan.

CHAIRMAN PIERCE: And that caused Matt to desire to further clarify.

DR. CIERI: Okay, taking a look at this section here, Chris, it's actually kind of mum on how we close the areas, because it says the spawning closures are based on commercial catch sampling that are collected August 1st, eastern and western Maine, blah, blah, blah, and never actually gives an actual size range of how to determine.

It says by default the closures last for four weeks. Catch sampling the fishery resumes at the end, and then significant numbers of spawned herring are defined as 25 percent more of mature herring. That passage right there relates to the actual reopening of the area or reclosing, so that's the 25 percent. This particular section is actually fairly mum when it comes to how the areas are closed if they're not closed on the default, and so I had assumed that this section actually – because it didn't actually address the issue, that everything went back and reverted to Amendment 1 in the process.

CHAIRMAN PIERCE: All right, thank you. I suggest that the issue of spawning fish, the spawning closure, the size of the fish that are included or the cut-off to determine spawning closures, I suggest that the state of Massachusetts, New Hampshire and Maine will have to address this issue specifically in light of this new information.

I don't believe it's an item that needs to be brought to the entire Section at this point in time; perhaps an update later on in the year as we get closer to the assessment itself, the assessment results, and, of course, as we prepare for spawning closures in 2012. If there is no objection from the Section, I would suggest that is the course we should take, acting on some guidance that can be provided to us from the technical committee on this particular issue. We will do that as opposed to debating this issue more at this meeting since it's not specifically on the agenda. We will do that without objection. Terry.

MR. STOCKWELL: Process question, Mr. Chair; what is the timeline as we start to approach setting of the season for next year? The technical committee is going to be busy with assessment work and to get the quality of the work that we need out of them to address our issues may be timely.

CHAIRMAN PIERCE: I would think we should act on this as soon as possible in order to accommodate the different administrative procedures we have in our different states; again, to get information from the industry relative to their views on any changes we might make relative to the size to be used as spawning closures. I would turn to Matt and ask you

is there another technical meeting scheduled? If not, we can talk offline and determine when it will meet.

DR. CIERI: Not that I'm aware of.

CHAIRMAN PIERCE: We can discuss this further, Terry, and come up with a timetable that would make sense so we don't get ourselves in a jam and find ourselves not properly prepared for the upcoming spawning season. Yes, Pat.

MR. AUGUSTINE: Mr. Chairman, it's a great idea and when would you get back to the rest of the Section to let us know what the outcome was of your meeting at least for information purposes? I know you want to move forward in a timely fashion so you'll have the information available for the next survey.

CHAIRMAN PIERCE: I haven't got a timeline yet or a deadline, Pat. I have to talk it over with the three states that are involved with the spawning closures. Once we do that, we'll, of course, very promptly inform the entire Section as to what we feel is the proper course of action. Before I go on to the next agenda item, which is a specific action item, Vito, you had your hand up. Was it to this particular issue? Okay, why don't you come forward?

MR. VITO CALOMO: Thank you, Mr. Chairman, for this opportunity to speak on this subject matter. Mr. Chairman, you know I've been a supporter of the spawning closures from Day One, even going back to the early seventies when we had spawning closures for 10 or 12 days. Maybe a key that everybody is missing is there are tremendous amounts of small fish in the ocean, and obviously they came from somewhere.

Maybe the spawning closures are working because we haven't seen such an amount of immature herring in a long time. The other thing, Mr. Chairman, I'd like the Atlantic States Marine Fisheries Commission to hear what I have to say because we have four less large vessels and one plant that closed down in the Commonwealth of Massachusetts and yet the rate of catching fish is faster.

To me that's showing there is a lot more fish in the ocean than previously said, and Matt adheres to that with his report. I think that overall it looks pretty good. Looking at the charts and everything, there was a pretty good indication that the herring seem to be coming back in areas that we haven't seen.

As far as the Georges Bank Area, a lot of people are concerned about any bycatch so a lot of vessels haven't that way. They're worried about the bycatch of haddock is the big issue with them. We'll see what happens with the fisheries. That's about all and I appreciate the opportunity to speak on this subject matter. Thank you, Mr. Chairman.

CHAIRMAN PIERCE: Thank you, Vito. Bob, did you have a clarification regarding the NMFS action?

MR. ROSS: I contacted our herring staffer and they were aware that the New Brunswick quota was running well below the 9,000 target and it was 2,400 metric tons I believe on the 12th of October. Therefore, NMFS did factor in the transfer of the 3,000 metric tons into the Area 1A fishery, and that was included in their calculations for the closure. That information was included in the closure numbers.

CHAIRMAN PIERCE: Thank you, Bob. I think I can speak on behalf of the Section to express our thanks to the Service for being on top of this and for taking timely action. It definitely helped us avoid any unnecessary premature closures. Thanks to the NMFS staff that put the time into this.

MR. ROSS: Thank you; I'll relay that information along.

SET 2012 ADDENDUM I SPECIFICATIONS

CHAIRMAN PIERCE: All right, let's head to the next agenda item, which would be an action item, and this is relative to 2012 specifications. That is Number 5 on the agenda, and I'll turn to Chris who will give us some background information and indicate the nature of the action that we need to consider this morning.

MR. VONDERWEIDT: Addendum I are the tools in the toolbox addendum that was passed a couple of years back. It was included on the CD, and if you would turn to Page 3 there are a few charts there that have the percent quota allocations. Addendum I has a number of different parts or tools included in it.

The Area 1A quota is 26,546 metric tons or the sub-ACL as it's newly defined. In 2011 we were at June through September 72.8 percent of that quota was available; and October through December, 27.2 percent was available with no landings prior to June 1, so that's where we were at this year. The decisions that need to be made today are whether or not to

allow landings prior to June 1. In 2011 you did not allow landings prior to June 1.

As far as the quota allocation, there is bimonthly, which would be two months at a time, so January/February. That's in Table 1 on Page 3 of Addendum I, if you want to look at the actual percentages. There is seasonal, which would be using three seasons with June 1 as a split and then October 1 as a split.

And then whether or not to close a quota period at 90 percent or 95 percent; this year we were at 95 percent. The quota period did not close so it didn't need employ that 95 percent. And then the other question is whether or not to allow rollover of underages from one quota period into the next quota period. Those are the decisions that need to be made today. Thank you.

CHAIRMAN PIERCE: All right, thank you, Chris. This is not a new topic. We certainly addressed this last year. Terry.

MR. STOCKWELL: I've got a motion when you're ready, Mr. Chair?

CHAIRMAN PIERCE: I'm ready.

MR. STOCKWELL: I've actually already given it to staff, so, Kate, if you could put it up. **I move to allocate the 2012 Area 1A Sub-ACL seasonably with 72.8 percent available from June through September and 27.2 percent allocated from October through December. The fishery will close when 95 percent of a seasonal period's quota has been harvested and underages from the June through September period may be rolled into the October through December period.**

CHAIRMAN PIERCE: All right, so we have a motion by Terry; do we have second. Bill Adler has seconded the motion. This is essentially status quo, correct, Terry?

MR. STOCKWELL: Correct, this is what the fishery worked under this year.

CHAIRMAN PIERCE: All right, thank you. To the motion; Pat.

MR. AUGUSTINE: Mr. Chairman, I'm concerned with the "may be rolled into the October"; in the past have we used the work "may" or "shall"? It infers that if we decide to we can; if we decide not to we don't have to? I'm not sure there is any difference

like in marine terminology may and shall or in governmental circles may and shall mean two different things.

CHAIRMAN PIERCE: It's the same as last year or this year; status quo, Pat.

MR. AUGUSTINE: That's fine.

CHAIRMAN PIERCE: Further discussion on the motion? All right, is there a need for a caucus? I don't believe so. All right, all those in favor of the motion please signify by raising your hand; is there any opposition; any abstentions; any null votes. **All right, the motion passes.** Unless there is any further business on this particular addendum, we will go on to Agenda Item 6, which is an update of the New England Fishery Management Council Amendment 5, which, of course, has been in development for quite a long time due to its complexity.

UPDATE OF NEFMC AMENDMENT 5

It's the so-called catch monitoring amendment. Lori Steele has graciously volunteered to fight the traffic to come down here to give us that update; and after she is through with her presentation, the question before the Section will be do we care to submit any comments to the council relative to Amendment 5 at this time since public hearings on Amendment 5 have been scheduled, Lori or –

MS. LORI STEELE: Not yet.

CHAIRMAN PIERCE: Okay, the public hearings on Amendment 5 have not yet been scheduled, so clearly there will be an opportunity for this Section to comment on Amendment 5 if no one cares to offer up a perspective at this time.

MS. STEELE: Okay, I'm Lori Steele from the New England Fishery Management Council. I'm going to give you an update on Amendment 5 to the Herring Plan and try to just hit some of the basic elements of it today. It's a large document with a complicated set of alternatives. Everybody should have handouts of the presentation or at least as many as I brought. Hopefully, it's enough for everybody.

I'll just run through the slides and talk about some of the bigger issues. First of all, we did set goals and objectives for the amendment. First, the goal is to develop an amendment to the Herring FMP to improve catch monitoring and ensure compliance with the Magnuson-Stevens Act.

Specifically we're considering measures to improve the long-term management of catch in the herring fishery, to address bycatch and to implement other measures as necessary to ensure Magnuson Act compliance. In the context of all of that, consider the health of the herring resource and the role of herring as a forage fish and a predator fish as well throughout its range.

That's something that we tried to focus in on in some of the analyses in the document. I believe that all of you have the full document on the CD for this meeting. It's like a 700- or 800-page document, so we did not copy it for you, but you have it there as a reference and to look at any of the details. If you don't have the CD and you can't access the information when you get home, it is on our website as well.

After we got the amendment underway and throughout the discussion, we developed specific goals and objectives for the catch monitoring program that we want to develop in this amendment. First is to create a cost-effective and administratively feasible program for the provision of accurate and timely records of catch of all species caught in the fishery.

The second is to develop a program providing catch of herring and bycatch species that will foster support by the industry and others concerned about accurate accounts of catch and bycatch. The third goal is to design a robust program for adaptive management decisions, and the fourth goal is to take a look at the sea sampling versus the portside sampling bycatch information and determine if the estimates provide similar results between the at-sea monitoring and the dockside monitoring.

There is a detailed analysis in one of the appendix for the amendment that gets into that issue a little bit more. I won't go through the whole list, but this is a complicated amendment and we've been developing it for three years. These are my contributors and people on the Herring Plan Development Team who have supported the development of this amendment. All of us have worked very hard to get it done, so I just wanted to give them a shout-out.

The amendment is now complete in terms of the range of alternatives and a Draft EIS, and now we're just going through the process of submitting it for review. The alternatives have sort of been broken down into four categories; the first category being adjustments to the fishery management program. This is all in the document and we have some

summary tables that you can take a look at in the beginning of the document that have all of the measures laid out.

We have a lot of administrative and general provisions regarding permitting and reporting that will help to improve catch monitoring; also requirements for trip notifications for herring vessels to call into the observer program before they take a trip so that the observer has a better ability to allocate the coverage to vessels that are actually going to go fish for herring.

Measures to address carrier vessels; we establishing a new open access permit for mackerel vessels, the limited access mackerel vessels that may not have qualified for a limited access herring permit. We're trying to keep this amendment as consistent and in the same timeframe as the development of the Mid-Atlantic Council's Amendment 14, which is their complementary amendment for the mackerel fishery.

We have obviously a lot of overlapping boats between the herring and the mackerel fisheries, so we're in the process of coordinating the completion and public hearings and everything from this point forward in conjunction with the Mid-Atlantic Council so we don't end up with two widely opposite management plans affecting the same group of vessels.

The second component is catch monitoring at sea, which we have several options in the document for allocating observer coverage on the limited access herring vessels; measures to maximize sampling; measures to address net slippage; and an alternative for a maximized retention experimental fishery in the limited access part of the herring fishery.

The third element is a suite of management measures under consideration to address river herring bycatch. That has obviously been a great concern and I'll go through in general a couple of those options. Then we had a range of options under consideration regarding criteria for midwater trawl vessel access to the groundfish closed areas, and I'll go over that briefly as well. This is what it looks like.

This is sort of our little diagram to try to put these pieces together and see if we can make sense of it all because there is a wide range of options, and it gets a little complicated to see how they relate to each other, so we have color-coded it and we've color-coded it in the executive summary tables; and if you pull up your version on the CD you'll see the colors and you can sort of follow along in the tables.

All of the section references that you'll see in the executive summary tables refer to the September version, which is the one that you guys have, and that's the one that the council ultimately approved at the end of September that I'm now making edits on and finalizing. Regarding the alternatives to allocate observer coverage, this is for limited access herring vessels. There are about a hundred of them out there.

About forty-five of them are directed fishery vessels; that's A and B categories; and then the C category, there are about 55 of those vessels, and those are the limited access incidental catch vessels. Our open access category which the observer alternatives do not apply to is about 2,200 vessels, but very few of them actually actively fish or land herring, so we're trying to sort that out and see which vessels might actually need to be incorporated into the allocation of observer coverage, if any.

Each of the alternatives for allocating observer coverage – again the section reference here is to the September document – each of the alternatives consist of four elements and a lot of the elements have options under them. Each alternative provides a target or priorities for allocating coverage. Whether we want to target a 20 percent CV for river herring catch estimates and a 30 percent CV for haddock catch estimates, the targets are provided in the alternatives.

Then there is a provision or process for reviewing and allocating observer coverage, and this is intended to be somewhat consistent with the SBRM process that we've been using where there would be a report given a year to the council and the council would make decisions on how to prioritize observer coverage based on the targets and priorities they've identified and based on the availability of federal coverage.

Then there are also options for funding the coverage if funds are needed above and beyond the federal funds. There is one alternative that considers a hundred percent observer coverage. We all know that's not going to be funded a hundred percent by the federal government, so we have options in each of the alternatives for some element of this being funded by the industry.

And then if there is industry funding, the fourth element would be the provisions for utilizing independent service providers and also options for authorizing waivers in specific and special circumstances that would prevent the deployment of an observer. Each four of those elements are

addressed under each of the alternatives for allocating observer coverage. Again, this is just for the A, B and C vessels.

This table appears in your document and it is one of the slides. This is just a summary of the four alternatives that we have approved for public hearings that allocate observer coverage, and they range from no action all the way up to a hundred percent coverage for these vessels. This gives you a little bit of a rundown of what the elements of these alternatives are. In terms of the measures to maximize sampling and address net slippage, the first thing that we did is we defined slippage because I think slippage can be interpreted in a lot of different ways.

For the purposes of this amendment, this is the definition that we're using for net slippage, and it is essentially just any catch that is discarded prior to being observed, sorted, sampled and/or brought aboard the fishing vessel. These are discards that happen when the boat is in the water before a pumping operation has fully been completed and successful.

That could be slipped partially or fully. It happens for a variety of reasons, but usually it would be a gear issue or a safety issue or running into too much dogfish that is kind of ruining the herring catch or any of the above. Any fish that are not pumped after the pumping operation stops, any fish that remained in the net – we have looked at; it's small amounts of fish – these are called operational discards and they're not considered slippages for the purpose of this amendment.

For the most part the observer program has changed its sampling methodologies and sampling protocols for this fishery and has a pretty good handle on operational discards. There aren't a lot of operational discards that occur that the observer can't see or at least document on some level. And then, of course, any discards at sea that occur after the catch has been brought on board and sorted or discarded by the crew are not considered slipped catch. They're considered discards.

The measures in the document to address net slippage really just relate to the full or partial release of the bag for any particular reason before the observer can see it. Moving forward, the measures to maximize sampling are pretty generic for the most part; requirements to have a safe sampling station for the observer on board; requirement to give notification requirements when pumping is going to start or

finish; providing the observer with visual access to the cod end.

That one is a little bit trickier but we've got some ideas and there is enough latitude I think in that option to allow some vessels to do that differently. Not all of them can just pull the bag up for the observer to see. There is a little bit of flexibility there, but it is a requirement that – it would be a requirement that the vessel operator work with the observer to make sure that the observer has some sort of visual access to the cod end.

For slippage, there are alternatives that would require a released catch affidavit to be filled out anytime there is a slippage event, which provides a lot of detail about the slippage event and what the estimates from the captain are and how much was slipped versus what the estimates of the observer are and all of that, and there would be photo documentation with that.

There is an option to apply the closed area one sampling provisions across the whole fishery, and those right now are just effective in Groundfish Closed Area 1. The option in the document would apply the sampling provisions across the fishery anytime there is an observer on board, and that is that all fish must be at least pumped across the deck for sampling, including operational discards, so this one goes a little bit further than just documenting slippage events.

This includes any operational discards; everything in the net has to come across the deck. There are some options in the document for a catch deduction when a slippage event occurs and also possibly trip termination for slippage events. If there is an observer on board and there is a slippage event, the vessel would be required to come home – finish the trip, are there are several options for both the catch deduction and the trip termination.

And then as I mentioned before, there is an alternative for a maximized retention experimental fishery. That would be actually an experimental fishery that is administered and run by NMFS, so a lot of the details aren't available on that and wouldn't be available unless that alternative was actually selected and NMFS was required to run an experimental fishery.

River herring; the river herring alternatives that are moving forward for further consideration are generally spatial management alternatives. The intent is to link a management goal to the measures

and options under consideration. For example, Alternative 2, the goal is monitoring river herring catch and avoiding it.

Alternative 3 is river herring protection, which means that there would just be closed areas. The monitoring and avoidance areas are a little bit bigger than the protection areas because we're not entirely sure when we close an area if it's the right area to close or what the impact is going to be if we take – I mean, these are quarter degree squares; so if you take a couple of quarter degree squares and shift everybody out of there into the adjacent squares, because of the variability of river herring distribution and the seasonality, you might have just closed the wrong two squares and it should have been the two adjacent, but it's very unpredictable.

So the options for closing areas for river herring protection are size-wise much smaller than the options for monitoring river herring bycatch and trying to avoid it. These are the monitoring and avoidance areas. This is one chart that shows all of the areas across the whole year that are combined into one chart, and these show where monitoring and avoidance would occur.

The areas are selected bimonthly, so there is a set of areas that applies for January/February, another set for March/April, and so on and so forth. This chart just shows you all of those areas together. Now, when you go into the document and you look at the analysis, you'll notice that each of these areas or blocks is marked with a letter from the alphabet.

There is an evaluation of each of these areas in the analysis, so we have tables that will show you A, B, C, D, E, all the way across and it will give you for each of these blocks an assessment of the potential effectiveness of the blocks. When you look in the document and you see table after table after table, just look at the letters. The letters all correspond to these figures.

This is a combination of the protection areas that are proposed. This again is all months combined, so some of these blocks may only apply in January and February; some in March and April; some in May and June; and so on and so forth. You can see most of the protection areas are in the Southern New England area. The areas were identified based on an analysis that the PDT did.

They had combined existing observer data with trawl survey data, and the trawl survey data was used to lay out where the fish are more often than not. Then we

overlaid that with the observer data to identify the blocks that are in the survey-based areas where we've also had a high degree of encounters with the fishery or where a lot of bycatch has come from. Then we set some thresholds for identifying the areas, and these are the protection areas.

It shows you that at least in the time where we have a lot of river herring encounters, they're occurring mostly in the Southern New England area, and that's Area 2. It suggests to me that it's the winter fishery, which is the small-mesh bottom trawl fishery in the Southern New England area along with the mackerel vessels that are probably fishing in that time and area and probably catching the majority of the river herring bycatch that we're seeing that ultimately identify these areas.

So, having completely confused you on the river herring areas, I'm going to move on to the criteria for access to the groundfish closed areas. This is the last element of the amendment. At least at this point from the PDT's perspective, this is largely a policy decision. This would apply to all of the year-round groundfish closed areas, which is on the figure right here.

These measures would apply to the orange areas, the solid shaded areas. As I said, we already have some measures in Closed Area 1, but we're going to consider criteria that would apply to all of the year-round closed areas. That ranges from no action all the way to completely closing the areas to the midwater trawl vessels and not allowing midwater trawl vessels into any of the areas.

And then the in-between stuff is hundred percent observer coverage in the year-round groundfish closed areas or apply the Closed Area 1 sampling provisions to the rest of the closed areas; or, as I mentioned, close the areas. Okay, so that's just a very, very general overview of the management alternatives. As I mentioned, there are summary tables at the beginning of the document and then obviously like full, detailed descriptions of the alternatives under consideration.

We have an affected environment in this document because it's a Draft EIS. The affected environment provides an update of as much as we could update at least through 2010 of all of the what are called valued ecosystem components. This is for NEPA purposes. We have identified five VEx the affected environment; first being the Atlantic herring resource; second being non-target species in other fisheries.

Non-target species is bycatch in general, but along with other fisheries we have identified shad, river herring, mackerel and groundfish as our other species that we want to pay special attention in the analysis. Then, of course, there is the physical environment and essential fish habitat, protected resources, marine mammals, ESA species and fishery-related businesses and communities, which is the complete description of the herring fishery, the vessels, permit categories, information about crew and fishing operations, and then, of course, the communities that are involved and affected by the herring fishery.

I just pulled a couple of important or key tables out of some of the affected environment, and the table numbers that are listed here are the same as in your document so you can take a look at them in the document. There is text that summaries all of them, but this is just a general list of our herring vessels by permit category.

We have 42 in the A class, about; 44 in the B class and then 55 in the C class, so those are the three limited access categories. It's about a hundred vessels. And then the open access is the D category, and that's over 2,200 vessels. There aren't a lot of specific requirements with the open access permit other than a three metric ton trip limit, so anybody who has got the D vessel, almost obviously all of them are targeting other species but encounter herring enough that they want to get the permit and at least be able to possess it; or, some boats will just catch a little bit of it when they're in the whiting fishery or whatever, fishing for bait or don't want to have to discard it.

Okay, here is another table that you can't see. This is a combination actually of Tables 63, 70 and 77 in the document. This is the herring landings by gear type and percent of the permit category for 2008, 2009 and 2010. It just shows you what gear types are most active in the fishery. As you can see, 97 percent of all landings in 2010 came from Category A permits, which was those 42 vessels. They land 97 percent of the landings.

Category B is not included in this table because we only have four vessels. It wasn't included because that is close to a confidentiality problem, but with 97 percent coming from Category A and less than 1 percent coming from Category C and less than 1 percent from Category D, you can kind of figure out how much Category B vessels are fishing, but it's primarily a Category A fishery.

A, B, C combined, the limited access categories, are more than 99 percent of the landings. Here is an update on the landings. I have IVR – this is when we still had IVR and not VMS reporting, so these are the numbers that we came up with for 2006-2010. You can see obviously a considerable decrease in 2010 versus 2008 and 2009. These were the overages that were determined, but we're still actually waiting for the final catch numbers for 2010 from NMFS.

I know they're working on it and hopefully that will happen before January because the overages will be determined and any of the overages will be deducted from the quotas for next year, and we aren't going to know that until probably next year. Okay, here are landings on number of trips, days and herring landings in thousands of pounds by area caught and permit category, so you can get a sense of activity in the fishery.

Okay, so that was it, just a very, very brief overview of the affected environment. The affected environment is extremely detailed. I think it's like almost 250 pages in the document. There is a lot of information there, and I'm pretty sure that you can come close to answering just about any question about the fishery from that document at least for now.

In the impacts, I tried to structure most of the sections on the impacts similarly. It starts on Page 320 of your document. They're almost identical sections in each of the impacts' discussions starting with the general impacts of the measures under consideration and their relationship to the goals and objectives that the council identified.

Our enforcement committee met in May of 2009 when we were kind of just getting rolling on developing the details, but we had some preliminary stuff out there. We went to the enforcement committee and I added their comments and recommendations into the document in the sections that they have comments.

We are planning on having an enforcement committee meeting probably in January or February. Once the full EIS has been completed and submitted and we know that everything is moving forward, we will have the enforcement committee get together and review it again. The next section you will see in most of the impacts' discussion are specific comments from Herring Plan Development Team and then technical analysis if appropriate. For example, there is a detailed analysis of the alternatives to allocate observer coverage on the herring limited

access boats, and that required a lot of technical work, so that's in the analysis as well.

And then the last section in each of the elements of the analysis is a discussion of the impacts on the five Vex that I identified earlier, Atlantic herring, non-target species, protected species, EFH and fishery-related businesses and communities. Again, there is a lot in the impacts' discussion in the analysis, and I'm going to go through all of it, obviously.

I have put in a few of the key tables to give you an understanding when you're looking through the document of what you're looking at and how to read the tables. This one is pretty easy. This is just looking at the overlap between the herring limited access fishery and the mackerel limited access fishery. I believe that Tier 3 in mackerel is open access. Tier 1 is their major players in the directed fishery. Tier 2 is I believe a limited access permit category as well.

But there are options in the document for any vessels that did not qualify for a herring limited access permit and they did qualify for a mackerel permit. There are options to allow them to go into this new category which would allow them to keep more than three tons because the mackerel fishery sometimes in places is a very mixed fishery with herring.

They don't sort their catch, but they operate very similarly to the herring fishery, so we wanted to make sure that we weren't forcing any discarding for those vessels. As you can see from the table here, if you look at Mackerel Tier 1, which are their big players, there are only five boats that didn't get a limited access herring permit.

There are two that got a Category D permit and there are three that got no herring permit; so adding these vessels to the herring fishery in a permit that would allow them more catch will at least get rid of any discarding that is occurring on those vessels; if not, also the Tier 2 vessels, and that's one of the decisions that the council will make.

Okay, in terms of the observer coverage analysis, this was extremely complicated, but we started by looking at the different kinds of analyses that we could do to help the council prioritize coverage when they review the SBRM analysis. Then we started looking at the potential impact on the fleet and the impact of potentially requiring the fleet to pay for some component of the observer coverage.

You'll see some tables in the document similar to these that list by gear type what the revenue per day, revenue per trip and operating costs are. Then we took that information and we applied the observer costs to that information based on their recent activity and it shows you what the cost would be as a percentage of daily revenues.

When you bottom trawl, for example, the impact of requiring observer coverage to be paid for would be 22.5 percent of the daily revenue, so it would be on top of that; and the 152.8 percent would be – essentially their costs would increase by a half. That means their costs would become 152.8 percent of what they are now.

I have got to think about that again for revenue. That might be a loss as well, but that's all described in the document and there are several tables that look like this. We also looked at days fished and implied costs for vessels – this would be for a hundred percent observer coverage. We estimated the number of days fished for the Category A and B vessels as well as the Category C, and applied the \$1,200 estimate, which is what the observer program has indicated with everything included, insurance and sampling and data collecting and cleaning the data, maintaining the data base, \$1,200 a day, so for the A and B vessels you're looking at potentially \$2.3 million for a hundred percent coverage.

I believe the fishery is maybe in total right around \$14 million, 14 or 15. And then Category C vessels, because there are so few of them – in the upper table here it's only vessels have landed herring – it add another \$181,000 to the total estimate. But then if you look at the bottom table, it shows you the total number of trips and days fished by Category C.

If you actually apply this requirement to all Category C vessels, you could potentially be increasing the cost of this significantly, depending on how many of them decide to call out of the fishery or declare into the fishery based on the requirements. The next slide shows you in summary what we did to look at the impacts of the observer coverage option that the council identified.

The council developed one very specific option which was to allocate observer coverage based on targets for bycatch estimates; a 30 percent CV for haddock and herring and a 20 percent CV for river herring. In the document is sort of a sample analysis that if this option is chosen, this is the kind of analysis that the PDT would do.

It's based on the SBRM analysis which essentially takes the previous year and runs through this methodology of statistical evaluation and projection to determine what coverage would be needed in the next year; so you look back one year, you determine your CVs and where your distribution of trips were and then you use that – if it would be this year, you use the 2010 data, run it through a process very similar to SBRM.

We had to do some things here to combine because the SBRM strata are different than our permit categories. There is a description of how you can sort of proportion the coverage in the different areas based on what we want and what SBRM already covers. It's very complicated. There is a summary table here that shows you after you go through that process how many trips would be needed to achieve hopefully or to target the CVs that the council has identified; and then when you take a look at this in combination with the SBRM stuff, you can sort of take proportions and apply them to – like our offshore area, we just took out the offshore completely because there was no river herring bycatch that we've ever observed like in Area 3, so we focused on the blocks right off of Cape Cod.

That's where we're seeing the river herring bycatch. Our strata are different; so when we talk about allocating to Area 3 – or we're looking at what the SBRM did in those areas, we took the total estimate for days in SBRM and applied it to the proportion of fishing that occurs, where our herring boats are fishing, and you allocate it a little bit differently that way.

I'm trying to do this quickly without taking all morning, but you can take a look in the document and certainly let me know if you have any questions. This is a summary of the observer coverage we've had in the fishery for our permit categories and gear types. We've had really good coverage in this fishery.

We've had coverage in this coverage over the last couple of years that most people would consider to be sufficient coverage in any fishery at least to achieve the target CVs of around 30 percent. In Category A vessels, pair-trawl vessels we had 37 percent of trips observed and 39 percent of the herring landings were observed.

In total across the years or across the two years the coverage has averaged out to be somewhere around 20 to 30 percent, a little closer to 30. As you can see from this table as well, we have limited coverage of

the small-mesh bottom trawl fleet; and that's because at this point other than the A boats, the D boats are not required to call in and notify an observer.

They're usually participating in multiple fisheries and herring is more of a bycatch or an incidental catch than anything else. That's why the coverage levels look a lot lower. That's definitely an area where we need to improve coverage whether it be through this amendment or through some sort of omnibus amendment because there are a lot of fisheries involved.

We also in the document have a pretty detailed analysis of slippage and the slippage events that we have observed in 2010. In 2010 we are fairly confident with the information because there was 30 percent coverage in the fishery. We implemented the Closed Area 1 provisions which require an observer if you are going to fish in Closed Area 1.

The Closed Area 1 sampling provisions that require all fish to be pumped across the deck, all of those things along with the changes that the observer program has made to their sampling methodology for this fishery and the discard log they've created – they created a discard log at the beginning of 2010 and retrained all the observers.

Now if there is a slippage event or any sort of discard event, there is a detailed log that gets filled out and photographs that get taken. Once the Closed Area 1 measures were implemented, we saw no slippage events in Closed Area 1. There haven't been any. We don't have any affidavits or anything to look at. I guess that's a good thing. For sure, discarding and slippage events have decreased significantly.

This also shows you on this graph what the catch was, whether it's not brought on board, operational discards or discarded and brought on board, and you can see that proportionately purse seines have more discards – I'm sorry, more slippage events or catch that is not brought on board just in a relative sense; not in the number sense.

Those numbers on the top of these bars on the graph show you the total amount of catch that was observed for that gear type and not how much was actually discarded. For example, the first column there, bottom trawl, 3 plus 2, Areas 2 and 3, catch was discarded whether it was brought on board or slipped. Well, this is all red so it shows that for bottom trawl in Areas 2 and 3 it is all being discarded, but it was brought on board so it was sampled.

2.75 percent of that one point million that was observed was discarded, so it was not 1.5 million that was discarded; it's 2.5 percent of that. There is a lot of information in the document about slippage. We have a lot of figures and stuff to show you sort of where we are with it. In general slippage represents a very small fraction of the total catch in this fishery. It's not more than a couple of percent in terms of slippage. There obviously are discards and operational discards as well.

We also have a pretty detailed discussion of the impacts of the river herring measures, the monitoring and avoidance measures along with the protection measures. There are several elements of this analysis in the document; the first being an evaluation of the coincidence of river herring and shad.

What that analysis shows is that they overlap so much in terms of distribution and encounters in the fishery that anything that we do to address river herring is going to address shad similarly. We also provided a catch comparison for river herring, which is a lengthy table that summarizes every place that river herring discards have been estimated, whether it's through the SBRM or through literature or from our PDT or anywhere; anything we could find about the estimates of river herring catch and bycatch because we know that it's quite variable.

It has been difficult to get a real handle on a number that we can feel confident in. We also took a look at migration patterns and an assessment of the monitoring and avoidance areas. We also looked obviously at the assessment of the protection areas. And then there is a discussion of the impacts of spatial closures and triggers in the herring fishery.

Some of the options under these alternatives include trigger-based approaches where the measures wouldn't kick in until some trigger was reached, and the trigger would be some level of catch of river herring in the fishery.

There are maps in the document that map herring fishing effort relative to the proposed areas and how much herring fishing occurs inside and outside of those areas, and then some projections based on recent fishing patterns as to when any of these triggers, if they're established for river herring, may be reached, what time of year for each of the areas.

And then, of course, the end of the analysis is a discussion of the impacts on the five VEx. That's a requirement for us under NEPA. As I mentioned, we did a catch comparison for 2010 on river herring

catch. It has been quite a while now that the herring fishery has been under fire for bycatch of river herring and the significant impacts that it may be having on the stock.

So we just wanted to together a few numbers that we came up with in our analysis to give you some relative perspective on what the bycatch in the herring fishery may be. We found that the largest source of removals is from the Maine directed alewife fishery, catching 1.3 million pounds in 2010.

The SBRM report produced by the Science Center across all 52 fleets, not just the herring fishery but all 52 fleets, Mid-Atlantic bottom otter trawl, whatever, all of them, there are 52 of them, and they estimated for all of them combined last year that about 531,000 pounds were caught. And then the PDT, during the evaluation of the observer coverage options, estimated 165,915 for the herring fishery. That's with a 0.37 confidence interval – or, I'm sorry, coefficient of variation.

I mean, it's not 0.2 yet, but it's certainly the best one we've gotten for the herring fleet given all of the variability in the numbers. Given the fact that we had 30 percent coverage last year, we're more confident in this number than any of the other numbers that we've produced before. That just gives you a little perspective on what the potential for impacting the river herring stocks is and how much of the herring fishery may be a part of that.

The next thing in the impact assessment – and this is where I was talking about the letters – we have a whole group tables like this that across the top you can see where it says map reference, and you've got your letters G, J, K, L, O – so you can go back to the maps and look at what block we're talking about.

For each of these blocks we looked at are there any adjacent fishery-based areas? That means right around the block are there any areas that we have identified the fishery having encounters with river herring. Are there any adjacent survey-based areas, and that means right around the block are there any of those areas that met the threshold in the survey for being sort of a good place where you would expect to find river herring?

And then do these areas overlap; is there a block that is adjacent to one that is proposed for being closed where we have seen high numbers in the fishery and high numbers in the survey? So it gives you just a relative sense of when you look at these blocks how

to evaluate whether or not they are actually going to be effective at doing what you want.

There are a whole bunch of those in the document, too. Some of the river herring analysis had to be qualitative just because we didn't have a lot of quantitative information. We don't even have a stock assessment. We got into the details as much as we could with the available information. These maps are also in the document for the gear types. It's hard to see on the screen, but there are some gray hashed blocks.

Any of the blocks with hashing with them are blocks that are proposed to be monitoring – this is for the monitoring areas. The blocks that are hashed are the ones that are proposed to be subject to the regulations in the monitoring areas. This is for January and February. You can see that most of the effort is in the Southern New England area. Most of the effort, aside from three blocks in this area, are areas where the fishery occurs.

The red ones are where the – it goes from green to red; green being low, high being red. It shows you sort of the distribution of the fishery during January and February. We have those in the document for all of the areas and all of the months. And then we also have tables that I think we are redoing for the submission version of the document, but it shows you by gear type and permit category how much fishing time and how much herring catch is inside and outside the monitoring areas.

I think we're redoing these. I'm pretty sure we're breaking it down a little bit differently. I think we're going to do A and B together and then C separately and then D separately because the council is still not entirely sure which vessels are going to be subject to these regulations. There are options in the document for just the limited access fishery and then there are options that also include the Category D boats, or the open access fishery.

We want to take a look at what the potential impact on the fishery may be by those gear types. This is for the trigger-based monitoring. As I mentioned, we have broken it down into three monitoring areas on top of all the other monitoring areas. These triggers would be set, and you can see there are nine options – well, three for each area.

They would be set in such a way that once they were reached, then it would trigger one of the monitoring or avoidance or protection options. With the monitoring options, if it's a hundred percent observer

coverage in those specific blocks that are on the map, under the trigger approach you would set up these three areas with triggers and the monitoring measures associated with those blocks would not kick in until the trigger is reached.

Everything would be sort of the way it is until the trigger is reached and then some additional measures would be kicked in. We took a look at what the probability is of reaching each of these triggers based on recent patterns of effort in the fishery. You can see that under the figure that I have showed here, there is like a 2.5 percent chance that the trigger would be reached. This is for Southern New England and it would be the max trigger, so it would be 729,500.

There is a 4 percent chance that it would close the fishery before December 31st. We've gone through this again for each of the options and each of the possible triggers just to look at when closure may occur. In most cases the triggers are very unlikely to be reached. I think this is the last section of the river herring analysis, and we've gone in and looked at the impacts of the measures by category, I guess.

This one here is a summary of the economic impacts for the Atlantic herring fishery participants. It's almost like pros and cons; it's positive impacts and negative impacts. We've gone through again every measure and every option and provided these tables in the document to give you sort of a general qualitative assessment.

Then we also have summary tables of each of the sections. I believe these are in the – I know they're in the document. I'm not sure exactly where we put them. I think there is a summary of impacts' table at the end of the document, but it goes through for each vec, vec one, Atlantic herring and vec two non-target species and so on and so forth.

For each measure that's listed down the first column here, it gives you sort of a qualitative evaluation of the impacts of the measure. We have to go back and fill in three and four, which is EFH and protected resources, because those assessments haven't been fully completed yet. We will be updating these tables for the document submission.

This is another one that covers catch monitoring at sea and the measures to address net slippage and measures to improve sampling; just showing you as examples. I'm almost done. When the council approved this in September, as I mentioned, there were some elements that were not complete like the

protected species impact and the EFH impacts, and we have a couple other little odds and ends to complete.

The council took action at their September 30th meeting and they added some sub-options that were proposed by council staff and the PDT for additional dealer reporting requirements and measures to address net slippage. You can see that in the document. You have the September version of the document.

Everything that is in there that is shaded gray is stuff that we took to the council to include. Then there is some stuff in the document that you'll see that is stricken out that we proposed for elimination. The council did agree to eliminate those options. A lot of them relate to what Matt was talking about earlier with the new reporting requirements that were implemented by NMFS. We had a lot of that stuff in the document as options; and the council agreed that since it's going through rulemaking now we should just take them out and address it in the future if we have a problem with it or if there is a concern.

They also added potential options – well, they are options, but they added a potential for exemption to the river herring measures for the Northern Shrimp Fishery in the inshore Gulf of Maine and for large-mesh bottom trawls. That is something that we're also adding to the document is a summary of the Northern Shrimp Fishery and recent catch and bycatch information for the shrimp fishery and large-mesh bottom trawls.

And then they made a few other minor clarifications that I've already addressed in the document but nothing really noteworthy. As I said, they did approve the Draft EIS for submission. I had hoped to have the Draft EIS approved and then move it right on over and get it submitted, but there is always a whole bunch of details that I've forgotten about.

A lot of it just relates to timing of review by NMFS, comment periods that are required. We have to send it to EPA for review. It has got to NOAA for a NEPA review. There are a lot of reviews. We approved it and the Mid-Atlantic approved their complementary Mackerel Amendment in October, just a couple of weeks ago.

Then we received a request from the Mid-Atlantic Council to include options for river herring catch caps. We had already eliminated that from our document; but in the spirit of trying to keep these amendments consistent and on track with each other,

they are requesting that we at least include similar options for river herring catch caps as what they are considering.

Their technical group and I think a lot of the members are not very supportive of these small-scale spatial management approaches because of the possibility of not including the right areas or not being able to fully understand the impacts on either the fishery or the river herring resource, but they kept them in the document again in the spirit of trying to keep a consistent range of alternatives for now, so they're asking us to consider catch caps.

We're going to do that at the November council meeting. I think herring is being discussed on the first day, which is Wednesday, November 15th. I'm holding off now to see what happens at the November 15th meeting. I couldn't have gotten it done, anyway, before then, but I'm planning on submitting the document at the end of November and then the review process starts.

I won't bore you with the details of the review process, but let's just say that we're shooting for our public comment period to start in mid to late February. There is a lot that gets done I guess between the end of November and February. We are hoping to have the comment period start around February 17th and go into the beginning of April, which means that we'll do all of our public hearings in March.

The Mid-Atlantic Council; we're going to overlap comment periods by about three weeks, and we're going to do a couple of joint public hearings during that time, and then we'll also do individual public hearings. Both councils are slated to approve the final management measures in April.

Our council meeting is two weeks after the Mid-Atlantic so we'll have the benefit of knowing what the Mid-Atlantic selected and then we can hopefully move forward with somewhat consistent measures at least for the vessels that participate in both fisheries. Then I will be writing the final EIS based on the selection of the final measures and hoping to submit that in May; June at the latest.

I've gone over the timeline with the Service, and we anticipate having both the mackerel and herring amendments implemented at the start of the fishing year on January 1, 2013. We will also be doing specifications next year. We do three-year specifications. Those will also become effective January 1, 2013. We want to sort of get a new

fishing year started with a new suite of regulations and the quotas. That's it. I can answer any questions for anybody who has taken a look at the bigger document, if you have any.

CHAIRMAN PIERCE: Thank you, Lori, for that very comprehensive update, and indeed it is quite an update. You have done the Section a great service by taking the time to highlight the pertinent tables and figures within this very lengthy document, very comprehensive document. As you said, there are many analyses in this document and they range from complicated to very complicated to extremely complicated.

Many contributors have been part of this effort to get Amendment 5 to this particular point, and the contributors are noted on Page 4 of her presentation, and I just need to highlight a couple. Matt Cieri, of course, played a major role as did Mike Adeen and Steve Correira and Mike Armstrong from the Division of Marine Fisheries staff.

Chris Vonderweidt, ASMFC, represented us very well through ASMFC-related contributions to the development of this plan. The National Marine Fisheries Service staff, of course, was outstanding. I could go on, but I won't. It was a very difficult task and special thanks go to Lori for her patience and for her perseverance.

If it hadn't been for all of that, those to Ps, we never would have gotten ourselves to this particular point in time where we have a good set of options related to catch monitoring at sea, midwater trawl access to groundfish closed areas, specific adjustments to the FMP, and then what is very relevant to ASMFC river herring bycatch issues; very well described; very well analyzed to the extent that they can analyzed within this document, which is easy to follow in light of the fact that Lori and her assistants have been able to color code this, making it much easier.

For me and for other New England Council members who are part of this Section, a lot of this is sort of a review and a preview as we move forward to public hearings. For Mid-Atlantic Council, state members, perhaps this is the first time you have seen it, but I suspect you've seen some of it if not much of it during Mid-Atlantic Council debate on mackerel, which, of course, also is moving forward and these fisheries are related; specifically the midwater trawl fishery. All right, so no action is required. I will now turn to the Section and ask you if you have any specific questions or comments to make regarding this update that Lori has provided? Dennis.

MR. DENNIS DAMON: Mr. Chairman, I would echo your remarks with regards to the thoroughness of this and my appreciation to Lori for bringing it to us. You also had mentioned that it ranged up to highly complicated, and I would suggest that it might even go to impossibly complicated.

My first question for Lori might be a bit of a no-brainer, but I have one to follow up that's a little more specific. With regards to the discarded fish and the slipped fish, what is the usual condition of those fish once that has occurred?

MS. STEELE: Well, I don't have really any specific information about that, but herring are pretty soft-bodied fish, and I think a lot of it in terms of slipped catch depends on the quantity of fish in the bag. Once the fish come on board, I think they're a lot less likely to survive. There haven't been any specific studies or anything like that.

MR. DAMON: Thank you for that. If I may one more, Mr. Chairman; on Page 12 of the slides you show that there were monitoring and avoidance areas that effectively in my estimation at least were designed to protect access for the river herring to rivers and streams from mid-coast New Jersey to the Canadian Border except for the quadrant that would include Mount Desert Rock and southern Hancock County, an area that I am somewhat familiar with. I'm wondering what the rationale was for omitting that particular quadrant, if you happen to know it. Actually, if that information isn't necessary for the rest of the commission, I can take that up with you afterwards if it's going to take some time to look for it.

MS. STEELE: Well, I've got it here. What was the question?

MR. DAMON: The quadrant area that is I guess between A and E in Downeast Maine.

MS. STEELE: Basically, the way that the areas were determined for the monitoring areas, we had originally presented this based on survey distributions since 1965. We basically ranked the areas in terms of abundance from the survey, and then overlaid the observer data on that, but the council ultimately decided to base the selection of the areas only on the observer data and the encounters that have been observed with the fishery.

I am not sure between A and E on that figure; I'm not sure if that area ever came up as one of the potential areas. The cut-off was quarter degree squares with

catch in one tow greater than 40 pounds. That was out of the observer data. If there was one tow greater than 40 pounds from 2005-2009 in the observer data, then that qualified as a quarter degree square for monitoring. It may just be that there were encounters in that area that either weren't observed or didn't make the 40-pound threshold in one tow, but that's how they were determined.

MR. ADLER: Lori, back on I think it's like 23, somewhere around there, my question was did you say that for observer coverage it would probably cost \$2.3 million to the industry in a fishery that's about \$14 million in revenue? You used those terms. I don't know who does the observer pay now, but if industry had to pay – am I looking at that correctly?

MS. STEELE: Yes, what you're looking at there is Page 24, and it is projection of costs for a hundred percent observer coverage in the fishery, and the high range there is based on 2009, and that's because of the number of trips that occurred in that year. Yes, \$2.3 million, and this is just the A, B and C vessels. That's 99 percent of the fishery, anyway, but it's based on applying a cost estimate from the observer program of \$1,200 to the number of days fished by these vessels.

It's what I would consider to be an upper bound of the estimates. We are going to provide in the Draft EIS, when we submit it, a discussion of the breakdown of that \$1,200 estimate and why it costs \$1,200 a day. If there was industry funding – if the council selects industry funding, we have to really sit down and lay out the objectives of the funding program and how the industry would contribute and how the federal program or other sources would contribute.

One thing that we've made the assumption on in this amendment, we the PDT and everybody who analyzed it, is based on the council priorities and what the council's objectives are for this amendment is you that you want coverage – and the council wants coverage in this amendment that is consistent with the Northeast Observer Program coverage.

This particular fishery is extremely difficult to sample. All the observers had to be retrained to sample high-volume fisheries. They all have a discard log. There is a process for taking basket samples and doing extrapolations and things like that. Those are all things that just hiring a general at-sea monitor isn't going to be able to do.

We have at-sea monitors in the groundfish fishery, and they sample what has been laid out for them to sample. We're trying to increase observer coverage in this fishery so that we can generate estimates of bycatch that are reliable and as accurate as we can get them. Having an at-sea monitor at a lower cost and not getting the same level of sampling or the same quality of catch estimates or data isn't going to help us.

We talked about it at a council meeting, too, and nobody seemed to really express any disagreement. Everybody always says, oh, why is it \$1,200 and an at-sea monitor is \$400 or whatever, and it's because you have to be specifically trained for sampling in this fishery. If you want to collect the same kind of data, you want to be able to just add to the observer data base and use everything in combination to make the bycatch estimates and you can't do that unless you have a fully trained at-sea observer who knows all the protocols in sampling for this fishery.

MR. ADLER: If I may, Mr. Chairman, I think what threw me was \$2.3 million in general terms unless the government pays for it seems to be a lot in a revenue stream of \$14 million. My last question, if I may, Mr. Chairman, is on Page 29. Is 165,915; is that considered a big number or is that a small number in the overall picture? Thank you.

MS. STEELE: Well, it's not as big as 1.3 million, but in the grand scheme of the herring fishery it's not a lot. You're talking about a fishery that lands 90,000 tons or whatever, 80,000 tons, so it's a small number in that sense. What I can't tell you is how either of those numbers impact the river herring resource, so I don't know how significant it is.

MR. DOUGLAS GROUT: Lori, I just had a quick question concerning the proposed river herring catch cap that the Mid-Atlantic Council has put in their plan and is asking the New England Council to put in their. Is there a specific catch cap associated with this or is this put it in the document as a frame workable item?

MS. STEELE: It's not very specific; it's pretty general. Jason just sent me the memo on Friday that is going into the council's binder. I took a look at it and it's very general. Their options include just establishing a catch cap as part of the specifications process or a framework. We already have in there a placeholder for one once a stock assessment is completed. I don't how quickly the Mid-Atlantic Council is going to move forward on that since we're

not really going to even have final measures until well into next year.

I don't know the timing of their specifications process, but they also are requesting that we include measures that essentially would close the herring vessels out of an area that is closed from a catch cap in the mackerel fishery. For example, if they set one in Area 2 and it was reached in March and closed to the mackerel fishery, they want us to have an option in the document that would say if the mackerel fishery sets a river herring catch cap and it closes an area, then the herring vessels would be prohibited from that area as well.

That's about as specific as it gets. I think the idea on their part is to actually establish the number when they do it in the specifications process. It's certainly I don't think going to be difficult for us to reach agreement that we could have in there an option to set up a catch cap. I think really the hard part is going to be determining the number and agreeing on the number.

I think we have to talk about that a little more, but I think they want it in there during the public hearing process so that we have time to talk about it a little more before we have to make final decisions.

ELECTION OF VICE-CHAIR

CHAIRMAN PIERCE: Thank you, Lori. It's now approximately 10:15. We are scheduled to adjourn at 10:30 and we still have an additional action item relative to the election of a vice-chair. If there is no objection, we will conclude our discussion regarding the update on this amendment. Once again, thank you very much, Lori, for giving this briefing. The next item on the agenda is election of the vice-chair. As noted, I assumed the chair in August of this year. The vice-chair position is vacant. Are there any nominations for vice-chair? Ritchie White.

MR. G. RITCHIE WHITE: Mr. Chairman, I'd like to nominate Terry Stockwell.

CHAIRMAN PIERCE: Terry has been nominated. Does anyone else care to nominate someone else for the vice-chair? All right, I see no interest. With that lack of interest, we will assume that Terry has the interest, so you will be the next vice-chair, Terry. Congratulations; a pleasure working with you as always.

OTHER BUSINESS

All right, is there any other business to bring forward? No one has indicated earlier on that there was other business, but still there is the opportunity.

ADJOURNMENT

I see no interest; therefore without objection, we will adjourn the Section meeting.

(Whereupon, the meeting was adjourned at 10:15 o'clock a.m., November 7, 2011.)