

Approved July 8, 1997

**Herring Committee Meeting Summary**  
King's Grant Inn, Danvers, MA

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June 4, 1997

Mr. Borden chaired the meeting for the NEFMC Herring Committee and Ms. Alden chaired for the ASMFC Atlantic Seas herring section. Mr. Borden gave a summary of the May 1 meeting between the US and Canadian industries in Halifax, N.S. Among the issues he covered were the agreement for each side to consult with the other side to consult with each other

He made the following comments in his summary of the meeting:

- The Canadians are concerned about proposals for very large vessels to enter the U.S. fisheries
- The Canadians recommend that the TAC on Georges Bank not exceed 20,000 tons.
- Mr. Stevenson was asked to keep track of U.S. landings on Georges Bank
- The Canadians project that they will harvest at least 10,000 tons
- We already have exceeded our harvest of last year

Mr. Stevenson noted that Canadian advice is based on historical larval surveys. The Canadian advice could just as easily lead to the conclusion that there are 400- 600,000 tons rather than 200,000 tons of Georges Bank herring.

**Advisory Panel Report**

Section needs to confirm Dave Ellenton's membership

Mr. Odlin was voted in as Chair and Mr. Barbera elected Vice Chair

Mr. Odlin reported the Advisory Panel made following recommendations:

- recommended a permit system and the collection of comprehensive data
- opposed limited entry and opposed to a control date as well
- TAC by area should be considered by the Technical Committee
- a quota based system would be suitable for future management.
- Consensus Technical Committee needs to provide guidance concerning the level of sustainable harvest
- unanimously passed a motion to support limit of 165 feet for vessel length, and engine size to 3,000 horsepower and to prohibit direct 'mealing'
- thought there should be a better definition of closed areas and times
- discussed discrete spawning area closures and how they would work
- did not think that re-directed effort could be predicted
- thought there should be no mobile bottom-tending gear in the spawning areas during spawning
- effects of whiting grate - believe that it excludes all the herring and is therefore not a significant issue
- end-use - there should be no direct mealing until there is a better control on harvest

B. Stevenson -  
in meeting on 10/10/97  
GC of section

Stevenson  
Ammon  
Grates don't  
work plus well

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- identified the need for estimates of current harvesting capacity
- effects of fishing gear - didn't seem to be any problem between purse seines and bottom trawls. Pair trawling was not seen to be a problem at this time
- dispersal in the public information document should refer to the dispersal of herring schools and the impact of tuna feeding on herring.
- protected species and habitat concerns will be addressed through the Council's habitat committee
- US / Canada transshipment - there should be reciprocity of access by vessels on both sides.

Mr. Stevenson noted that the advisory panel also discussed the issue of discards

John Barnes was concerned about the advisory panel comments about meal production from herring. Michael Love commented that he thought the issue of dumping of fish should be investigated further. He added that he opposed any motion that would exclude vessels already under construction. Mr. Kaelin commented that another topic that should be included is research needs and the need to rationalize data collection for all harvesting operations, not just the transshipment vessels.

#### Other Advisory Panel issues

Mr. Pierce asked how individuals can be nominated by each state. Ms. Alden noted that this is a specific person that had been nominated for the panel. The issue was postponed until later in the day. Mr. Borden suggested that the New England Council could look at the ASMFC Advisory Panel, and if it determined that certain industry sectors are not represented, recommend additional advisors to the ASMFC Advisory Panel. Mr. Lapointe commented that the Council had discussed the issue at its last meeting and that there maybe certain elements of the offshore industry that are not fully represented.

#### Long-term potential yield

Mr. Borden reported the following recommendations from the April 16-17 Council meeting:

- a motion supporting the development of an amendment to the ASMFC Herring FMP to limit the size of harvesting vessels to 165 feet length-over-all and engine size to 2,500 horsepower and to prohibit direct mealing.
- that all further technical and management documents of the Council and ASMFC refer to "long-term potential yield" and Currently available TAC", or similar language to convey that the currently available catch is not necessarily equal to sustainable landings. Also the long-term potential yield for herring probably will be substantially lower than overall 1997 TAC and that vessel owners who are considering entering the fishery should bear this in mind.

Mr. Pierce suggested that the Technical Committee consider the question of what is an appropriate estimate of long-term potential yield. Ms. Alden asked Mr. Stevenson to summarize the list of requests that the TAC has received from the Section. Mr. Stevenson

responded that the Technical Committee had considered the request about possible measures to prevent the over exploitation of the Jeffreys Ledge stock component. Mr. Borden commented that the Council wanted some type of report detailing what we intend to do about the issue at the July Council meeting.

Ms. Alden summarized instructions to the Technical Committee as follows:

- request that the TAC define a long-term potential catch from the resource based on both the Canadian and U.S. stock assessment information. They can give an estimate of a one-year removal rate
- to give guidance on the maximum catch that should be allowed in the Gulf of Maine

Mr. Hill asked whether they could suggested what the yield would be from the other two areas individually. Mr. Stevenson commented that he was not sure the Technical Committee could provide the answer. Mr. Pierce suggested that the request be restricted to the long-term potential catch because the Technical Committee already has been working on this issue.

Ms. Alden asked Dr. Logan to comment on the progress of the work to estimate fishing capacity for herring. He responded that there are major problems between effort measurements in 1995 and 1996, but that he might have some results by the next meeting in early July. In response to another question, Mr. Stevenson stated that a revised assessment might be completed by September

Mr. Pierce asked the Technical Committee to resolve the issue that the long-term potential yield estimate is for age 2+ fish and the current estimated TAC is for age 3+ fish.

Mr. Borden commented he had concerns about waiting until September to get advice on catch limits for the Gulf of Maine stock because of the potential for the fishery to exceed the target before then. He added that he hoped the biological advice would be very risk-adverse.

Ms. Alden asked whether the Technical Committee could make an interim recommendation for a TAC for the Gulf of Maine. Mr. Stevenson responded that it could based on the area allocation procedure recommended by the Technical Committee this winter.

The Section/ Committee asked the Technical Committee to do the following:

- estimate the long-term potential yield for the herring resources, after resolving the differences among 2+ and 3+ age groups
- recommend a procedure for determining a TAC for the Gulf of Maine as an interim procedure, pending the development of a virtual population analysis (VPA) for the Gulf of Maine stock (for the July meeting )
- provide a VPA for the Gulf of Maine stock (September)

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- estimate the long-term potential yield for the Gulf of Maine stock

The Section/Committee also requested the Technical Committee to be risk-adverse in making any recommendations.

Mr. Verga added that the long-term potential yield for the whole stock and for the Gulf of Maine should be the top priorities. Spencer Fuller asked whether we should consider the size of Gulf of Maine and the size of Herring Management Area 1. He thought Area 1 too big to be a management area. Mr. Borden commented that if we have to redefine the management areas, we should do that.

Mr. Borden also commented that the Council did not want to make allocations out of the reserve for Area 1. Mr. Kaelin agreed with Spencer's point and mentioned that the Maine DMR and the Sardine Council have some funding to investigate stock identification issues for the mid-coast and eastern Maine spawning stocks. He also mentioned that the FMP section on the economics of the fishery needs to be expanded considerably. He noted that the University of Maine is funding a study of the economics of the herring industry and expressed concern that this information be considered in the plan.

Mr. Freeman expressed his earlier concern that the section and TAC address the issue of forage needs of other species that are supplied by herring

#### **Advisory Panel**

- Mr. Borden noted that the Committee should review the ASMFC advisory panel membership to determine whether any gear types or areas that are not represented
- He stated that Council members would have two weeks to consider the list and will vote on it at the next meeting.

#### **Concerns about Gulf of Maine Herring Management**

Ms. Alden commented that the Committee / Section should consider short-term actions to protect the Gulf of Maine stock. She explained that it is possible to take short-term action through the ASMFC process while developing a joint Council/ASMFC plan for long-term management. Under the current FMP, ASMFC could implement additional spawning area closures or increase the time the current areas are closed. Mr. Pierce asked about the procedures. Ms. Alden replied that she saw three possible procedures: emergency action under the ASMFC, a plan amendment or an addendum.

Mr. Lapointe explained that the Commission could take emergency action to respond to unanticipated circumstances, but that an addendum is to make minor changes or corrections to FMPs. Mr. Borden noted that the Technical Committee will meet in several weeks and therefore the Council and the Commission should begin to discuss short-term management actions in anticipation of any TAC recommendations. Mr. Hill asked about the difference between long-term and short-term actions. Mr. Borden noted

that if the Council and the Commission are going to go through a joint scoping process, it will take several months and nine to 12 months to submit an FMP. Ms. Alden added that short-term probably means this season and perhaps the next season, or until superseded by the long-term FMP. Mr. Hill asked what measures might be used in the short-term, and Mr. Borden commented that actions could be taken in a matter of months. Mr. Pierce commented that it is important to take a look at the problem statement as defined in the public information document. The catch in the Gulf of Maine is around 86,000 tons and the Technical Committee might recommend a TAC of 50 to 60,000 tons for this area. There is a need to prevent catch from exceeding 100,000 tons. He added that the only thing we can change relatively quickly is the spawning season. If we consider closures for specific areas, it will take more time.

Bill Adler asked if all of the proposed alternatives could be implemented as short-term measures.

### **TACs**

Spencer Fuller suggested that some issues are

- mobile fishing on juveniles
- transshipments to Canada
- IWP allocations
- limiting the stop seine fishery because it does not protect juveniles.

Mr. Pierce commented that the currently recommended TAC and that the appropriate TAC for the next year would depend on the strength of the incoming year class in the Gulf of Maine, which is usually monitored by the weirs and stop seines. Jim Odlin commented that there different subgroups within the Gulf of Maine. Mr. Stevenson explained that last year catch of all sizes of fish was about 96,000 tons total including the Canadian.

Expanding spawning areas in terms of times.

Mr. Pierce commented that if the section takes short-term action that some consideration be given the age distribution of fish caught. Steve Driscoll asked about the appropriate codend size for mid-water trawls. He noted an escape panel could be used to eliminate small fish, which is a problem in the bait fishery for herring. Mr. Borden noted that one alternative is to adjust the spawning area closures. Mr. Stevenson suggested that there is going to be a big drop off in the number of adults due to a weak 1999 year class.

### **Directed mealing**

Mr. John Barnes of Ampro fish described his companies meal production activities. He explained that his company had ten boats in the menhaden industry. The boats don't harvest the fish, but instead transport it from other vessels.

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He estimated that about 10% of the herring harvested (based on a sustainable yield of 200,000 tons could be handled by the reduction plants. The herring seem to be in the Mid-Atlantic area in the spring. His company, Ampro, has 9 purse seiners and one carrying vessel.

Mr. Abbot asked why there are objections to mealing, and Mr. Kaelin explained that Maine law has a food fish preference and that herring cannot be used for meal unless it has been rejected for use as food. He added that mealing can take a tremendous amount of herring away from food and bait uses. Mr. Pierce added that another reason for prohibiting mealing is that is easier to control the fishery without it because mealing can absorb large quantities of fish very quickly.

#### **Restrictions on vessel size and horsepower**

Ms. Alden commented that one of the problems with the Gulf of Maine fishery is that there are no controls on fishing for current vessels. One of the goals is to allow current harvesters to continue in the fishery. Fran Kulle commented that he agreed with some type of cap on vessel size but what really needs to be done is to cap the technology. Bill Adler agreed with Robin. Some type of limit on capacity should be looked at. Supports a limit on size and horsepower. Mr. Hill opposed establishing a limit on vessel size because he is not sure what type of vessel is appropriate for the offshore herring fishery. He suggested that trip limits might be a more appropriate management tool. Steve Driscoll agreed with Mr. Hill that a trip limit would be an appropriate management measure. Mike Love commented that he feels the proposed measures are aimed at the Atlantic Star. He stated that he supported full utilization of the resource. He commented that on the Atlantic Star, 100 percent of the fish are utilized. Any type of limitation should not effect vessels in the pipe line.

Ms. Alden commented that there is great concern about conservation of herring in the Gulf of Maine. Mr. Tooley owner of FV Starlight agreed with Ms. Alden and proposed that the Gulf of Maine be managed as a separate unit with a 1,000 horsepower, 100 tons and 100-foot vessel length limits.

Mike Love responded that the Atlantic Star has no interest in fishing in the Gulf of Maine. He asked if there is some amount of fish that can be discarded. That before we limit access we should prohibit discards. The Atlantic Star is 370 feet long and has about 12,000 horsepower, but most of the horsepower is used for the freezing plant. It hopes to freeze 200 tons per day and the harvesting capacity is restricted by the freezing capacity. He added that the vessel does not have any meal capacity. The net might have opening of 20 fathoms, but the plans have not been finalized. Peter Mullin stated that the Atlantic Star will tow a net from 60 to over 100 fathoms wide. Mr. Pierce commented that the Massachusetts length restrictions withstood court challenges.

#### **Mesh Size**

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Jim Odlin commented that it is very difficult to use mesh size requirements because the nets clog with fish. He warned that spawning closures have caused some vessels to fish in places where there are smaller fish.

Mr. Calomo commented that larger vessels are needed to fish the offshore fisheries safely. To get into the herring business, larger vessels are needed. The Gloucester vessels go mid-water trawling and they are entitled to their fair share in the Gulf of Maine. When too many fish are caught the fishery should be closed, but it should be closed to all vessels, not to vessels from certain areas.

Ms. Alden commented that she was not advocating limiting the Gulf of Maine fishery only to certain vessels. She commented that the issue was how to limit the fishery to the TAC and that she was concerned about the possibility that a plan would become an issue between the Maine and Massachusetts.

Spencer supported the proposed limits on vessel length and horsepower, and said the limits were not arbitrary. They would allow vessels large enough to exploit the offshore areas but would allow the orderly development of the offshore areas. He stated that unless the Gulf of Maine is broken down into more manageable areas, a differential vessel size would be too broad an approach.

Mr. Kaelin explained that the Maine Sardine Council supports the proposed vessel size limits as a first step to protect the fishing vessels currently in the region. A second step is to manage the fishery so that the people who have been impacted by restrictions on other fisheries will be treated fairly, before new entrants are allowed. There are people in the herring fishery who have no alternative fisheries. Mr. Verga responded that is important to understand that all the fishermen who are fishing have a place to fish and fish to catch.

Fran Kulle said that he thought as long as there is an intermixing problem, a large vessel in Zone 2 could adversely impact fish in Zone 1. Mr. Borden agreed that there is not adequate data on intermixing, and therefore there is a risk of overfishing in different areas. Also we do not know the discard rate.

Mr. Hill asked the Chairman about procedure because there was no motion on the floor and he understood that the discussion topic was controlling fishing in the Gulf of Maine. Mr. Borden responded that fishing in the different areas are related. Mr. Hill asked whether the Atlantic Star has been permitted to fish and whether a restriction passed now could legally prevent this boat from fishing.

Fran Kulle explained that the reason for discarding was poor quality of the fish caused by too much feed or too much spawn in the fish. He explained that any type of herring fishing operation would cause some discarding, but that purse seines at least have the opportunity to examine the fish before bringing them on board.

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Niaz Dorry commented that in Chile the fishing industry successfully prevented a very large vessel from entering their fishery on the basis on conservation and social reasons. She suggested the use of a try net as a way of reducing discards.

Kathi Rodrigues asked Mr. Pierce what the likelihood that the status of the resource warranted emergency action. Mr. Pierce responded that he thought that is was unlikely that emergency action would be warranted in areas other than Area 1. He added that the there probably is a need for restrictions in the Gulf of Maine. Steve Driscoll asked whether producing meal would be a way to handle the discards. Fran Kulle responded that the bad fish cannot be put in the same hold with the good fish because it would spoil the other fish in the hole.

Niaz Dorry commented that the Magnuson Act requires that the fishing vessels would first have to try to avoid catching the fish it is now discarding. In response to a question,

### **Discards**

Mike Love stated that he would like to hear more about discards, because large vessels should not be excluded from the fishery current participants were discarding fish.

Peter Flaherty commented that he almost no discards because

- he doesn't fish when fish are feedy, this time of year,
- has buyers ashore who will take bait when the fish is not prime quality
- has a cod end sensor to tell when to haul back

Glenn Robbins made the following points:

- discards are not as big a problem as they once were
- purse seines can let them go, once in a while if you need a full trip and you have more fish than we need we give the fish to another boat.
- discards probably are less than two percent
- he liked the idea of try nets because he has seen problems with mid-water trawls

Peter Mullin commented that if areas are going to be closed, why not close all areas, not just Jeffrey's Ledge.

### **Marine Mammal Interactions**

Mr. Borden instructed the staff to ask NMFS whether they would anticipate and increase in interactions with marine mammals due to very large factory trawlers. Kathi Rodrigues responded that she thought it was possible, although she suspected that there are not a lot of data about the marine mammals interactions with trawlers. Peter Barbera commented that there might be data from when the Dutch fished for mackerel. Marine mammal interactions are related to horsepower because horsepower determines the size of e that can be towed

### **Public Information / Scoping Document**

The Section / Committee reviewed the Public Information / Scoping Document and instructed the staffs to make the appropriate changes (see revised document)

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**Agreed to by consensus**

The council and NEFMC staff would prepare a "composite scoping document to be mailed by June 25 and The Section and Committee would meet on July 8 to review the revised draft.

**Other Actions Motions**

The Section / Committee unanimously passed a motion to endorse the research protocol, developed as part of the U.S. / Canada herring discussions.

Mr. Kaelin distributed a two page justification of research for herring and requested that the Section endorse the request.