

**Atlantic States Marine Fisheries Commission
Joint Meeting of the NEFMC's Atlantic Herring Oversight Committee, Advisory Panel and
the ASMFC's Atlantic Herring Section
Kings Grant, Danvers, MA
May 21, 2003**

Section Members in Attendance:

Maine: Lew Flagg, Pat White; New Hampshire: John Nelson, Ritchie White, Dennis Abbott; Massachusetts: David Pierce, Vito Calomo; Rhode Island: David Borden (Chair); Connecticut: Eric Smith; New York: no Commissioners in attendance; New Jersey: Bruce Freeman; LEC Rep: Jeff Marston; AP Chair: Dave Ellenton.

Section Motion on 2004 Specifications:

Move to rollover the 2003 specifications for the 2004 fishing year.

Motion by Dr. Pierce, second by Mr. Nelson; motion carries.

Section Business:

Chairman David Borden reviewed the issues listed on the agenda. The Section approved the summary of the April 10, 2003 Section conference call. Megan Gamble summarized the 2002 FMP Review and noted that the Commonwealth of Massachusetts has not submitted a State Compliance Report for the 2002 Atlantic herring fishery. The Section agreed to provide a two-week grace period to the Commonwealth of Massachusetts. At which time, if a report has not been submitted, the Section will discuss a finding of noncompliance. The Section approved the 2002 Atlantic Herring FMP Review.

Rhode Island submitted a request for an allocation of 5,000 metric tons of the Atlantic herring IWP TAC during the 2004 fishing year. The application indicates that the IWP would operate between October 2003 and April 2004. Mr. Freeman asked Rhode Island to change the request so that the allocation would be for the 2004 calendar because this will coincide with the fishing year and the specifications. Chairman Borden agreed that the allocation would be January 1st – December 31, 2004.

The Section added the provision that should the request be approved Rhode Island must put a sanction on the permittee that fish can only come from Area 2. Limiting the harvest to Area 2 would send a message to the Regional Administrator that the operation of JVPs on George's Bank or in Area 3 are not acceptable to the Commission. George's Bank is important to the domestic fishery and can be processed by the shoreside processing plants. Due to the days out provision in Area 1A, Area 3 is a viable alternative for vessels rather than Area 1B where there has not been enough fish present to make fishing worthwhile.

The Section also reiterated the request made last time that applications include a statement on how the IWP operation will benefit the domestic fishery. Some members are opposed to IWP operations because the domestic shoreside processing facilities are now online and can handle the capacity previously taken by the IWP operations. Other members felt that the shoreside plants are able to handle the harvest from Areas 1A, 1B, and 3, but an IWP operating Area 2 would not jeopardize the stability of the shoreside plants. These IWP operations provide an alternative opportunity for the catcher boats in an area where the infrastructure for shoreside processing does not exist and the TAC goes largely unused.

The original intent for IWPs was to provide an avenue for getting an underutilized species on to the market. The IWPs offer a short-term benefit to the catcher boats, but in the long-term the

operations are doing harm to the domestic industry because the two are competitive. The labor associated with IWPs is cheaper compared to the plants, meaning the herring processed by IWP are competing on the market with domestically processed herring. When the New Bedford plant comes online in 2004, there may not be a need for the Rhode Island IWP operation. The Rhode Island boats have feasible access to Area 2 and could at that time supply the New Bedford plant.

Move to approve the 2004 Rhode Island request for 5,000 metric tons if the harvest is restricted to occur exclusively in Area 2.

Motion by Dr. Pierce, second by Mr. Smith; motion failed (3 opposed, 2 in favor, and 1 abstention).

The Section wanted to send the message to the Regional Administrator that the domestic industry has the capacity to process the harvest from Area 3 and is not the cause for the underutilization of Area 3, therefore JVP operations in Area 3 not necessary and in direct competition with domestic processors.

Move to clarify the Commission's intent that the 2004 JVP TAC be allocated to Area 2 only, not Area 3.

Motion by Dr. Pierce, second by Mr. Freeman; motion carries unanimously (4 in favor, 1 abstention).

The Section agreed with the Technical Committee's recommendation to use the advice from the NEFMC's Scientific and Statistical Committee's review of the two Atlantic herring assessments that went through the TRAC in February. Massachusetts and Rhode Island each added a representative to participate with the SSC in their review of the US and Canadian assessments (Mike Armstrong and Mark Gibson, respectively).

A request for Advisory Panel nominations went out the states at the end of April. The Commission has not received any nominations and a number of positions remain vacant. The State Directors should send their nominations for the Atlantic Herring Advisory Panel to Commission staff within two weeks.

The Section discussed the development of Amendment 2 to the Interstate FMP for Atlantic herring in order to maintain compatible herring management programs in both state and federal waters. ASMFC could move forward with the development of an amendment by the end of this year and still have it in place by the 2005 fishing year. Staff will schedule a Section meeting within the next few months to discuss the issues related to the amendment.