

**Joint NEFMC/ASMFC
Herring Advisors Meeting
April 26, 2000
Danvers, MA**

A joint meeting of the New England Fishery Management Council and Atlantic States Marine Fisheries Commission Herring Advisors was held to discuss limited entry/controlled access, a possible shift in the Area 1A Total Allowable Catch (TAC), and access to the resource by the fixed gear fishery. The ASMFC advisors did not have a quorum present because several appointees are no longer interested in the panel. Staff agreed to pursue this issue with the respective states to have replacement advisors appointed. The advisors chose Arthur Odlin to continue as chair and selected Dave Ellenton as vice-chair.

Increase in Area 1A Total Allowable Catch

The advisors discussed the Area 1A TAC of 45,000 mt recommended by the Council to NMFS. The industry is concerned that the TAC will be caught by August or September, closing the directed fishery and disrupting both the bait and cannery markets. Council staff advised on the possible mechanisms for making a change to the TACs, and noted one concern is the level of effort necessary to provide support for the recommendation. While staff believes that the current Fishery Management Plan may have enough discussion of the issue to justify an increase, if NMFS disagrees and an extensive effort is necessary to prepare supporting documentation, the staff will be unable to support the change because of workloads.

Several advisors suggested the possibility of removing the dividing line between management Areas 1A and 1B, but concluded that could not be implemented this year.

Motion: That the advisors strongly recommend to the Committee and the Section that the National Marine Fisheries Service be advised of an appropriate change from 45,000 mt to 60,000 mt to the Area 1A inshore TAC for the 2000 fishing year. This suggestion is consistent with the biological advice as communicated at the January 13 Committee/Section meeting and the previous PDT meeting. (Mr. Ellenton/Mr. Robbins)

The motion carried. (7-0-2).

Comments on the motion included the suggestion that raising the quota without imposing controls on entry may still result in the TAC being caught before the traditional end of the season. In addition, if the TAC is increased but spawning restrictions are relaxed, the increase may not result in an extension of the season.

The advisors discussed the NMFS disapproval of a measure in the Council's management plan that would have allowed an increase to the Area 1A TAC if the New Brunswick fixed gear catch was less than 20,000 mt.

Motion: that the advisors recommend to the Committee/Section that they reconsider the NMFS disapproval of the in-season adjustment to the Area 1A TAC during those years the Canadian weir fishery caught less than 20,000 mt by October 1. This adjustment should be recommended for the 2000 fishing year. (Mr. Kaelin/Mr. Ellenton)

The advisors noted the management plan assumes this level of mortality is taking place, so it makes sense for U.S. fishermen to be allowed to catch the fish if the Canadians do not. Contrary to the logic NMFS used in its disapproval, the obvious benefit to the U.S. industry is the chance to catch additional herring. Staff noted this change would probably require a framework action by the Council; given Council priorities, a framework was not likely to be developed this year.

The motion carried. (7-0-2).

Spawning Closure Provisions

The advisors reviewed a draft addendum to the ASMFC herring FMP that would revise the spawning restrictions. Advisors expressed concern over the provision that allows vessels to land 2,000 pounds of herring during a closure, noting that if a large number of vessels enter this fishery it could amount to a significant amount of herring. The advisors also expressed concern that the addendum was not clear that during a spawning closure, fish could be landed if they were caught in an open area, even if they exceeded the tolerance criteria. Several advisors noted that the VMS requirement would provide a way to confirm where the fish were caught.

Motion: To ask the Committee and Section to add language to draft Addendum 1 to the ASFMC herring plan so that it is clear that vessel may catch herring in areas not subject to the closures and land them even if they exceed the tolerance provision. (Mr. Kaelin/Mr. Ellenton)

The motion carried (9-0).

Public comment on this issue included:

- Any boat can get a midwater trawl exemption, but fish on the bottom because no one is enforcing this prohibition
- Even small vessels can disrupt spawning beds and spawning activity. This could cause difficulties in the future.

Motion: that the advisors recommend that Committee/Section approve the addendum, with a tolerance provision, and as amended to include the provision that clarifies that herring can be landed from open areas during a closure. (Mr. Kaelin/Mr. Robbins)

Staff noted the tolerance provision would apply to both male and female fish once the closure was in effect, though only female fish would be used to determine the starting date of the closures. Other issues raised during the discussion included:

- This measure will prevent fishing outside state waters, but the catch of juveniles inside state waters will continue.
- The closures could extend over a seven week period.
- The revision to the closures could result in additional fish being landed during this period, which may result in the TAC being caught at the same time as if it was not increased to 60,000 mt.

The motion carried. (6-2-1).

The advisors discussed whether there was a need to adopt complementary spawning restrictions in federal waters. They concluded that the ASMFC action was all that was necessary in the inshore area, but

that additional information was needed for the offshore areas so that if necessary, closures could be put in place in the future. The advisors adopted the following consensus statement:

Consensus: The Advisory Panel recommends that the actions taken in the Commission's draft addendum 1 are sufficient to address spawning closures at this time. A concerted effort should be made to develop the information necessary to define spawning closures in other areas.

Fixed Gear Fishery

The advisors considered three options for insuring the fixed gear fishery has access to herring in the fall. Staff noted that of the three options, two would require Council action and could not be implemented by this season. The advisors noted that the two options that proposed a set-aside were not acceptable to fixed gear fishermen. Points raised during the discussion of the third option (assuming the fixed gear catch east of Jonesport, both U.S. and Canadian, as totaling 20,000 mt):

- Concern that this could not be implemented, as it was in essence taking fish that were assumed to be Canadian and allowing U.S. harvesters to take them.
- The catches of these two fisheries are from the same fish. If caught in Canada, they won't be caught in the U.S. This approach is common sense - many of the weirs are only a few miles apart on either side of the border.
- The recommendation to increase the Area 1A TAC, if adopted, may resolve this issue in the short term while work can begin on implementing option 3. This is more acceptable to the fixed gear sector than either of the set-aside options.

Motion: That the advisors recommend Option 3 as the solution to the fixed gear problem, understanding that this may require a framework action and may not be done before 2001. (Mr. Turner/Mr. Kaelin)

The motion carried (8-0).

Limited Entry/Controlled Access

The advisors reviewed the scoping comments for a controlled access or limited entry system in the herring fishery and held an extensive discussion on the subject but did not take any action. Advisor comments on the issue included:

- It will take some time for the details of a program to be worked out, and that process should begin now. It may be possible to develop a quota program for this fishery.
- Those boats that have been in the fishery for 10 or 20 years, that rely on herring for their livelihood, should be guaranteed a place in the fishery. As the TAC is approached, the last ones in should have to leave the area so that these other boats can keep fishing.
- While we have talked about controlled access for several years, the Council has not chosen to implement it. There has been encouragement to enter the fishery. We have hard TACs in place - we should see what takes place when these are in effect.
- Boats that have other options could be treated differently - for example, those boats that have a groundfish permit may not have as much access to the resource.

Public comment on the issue included:

- The smaller boats will be forced out of the fishery once the quota is caught. Limited entry is

- appropriate in Area 1A and should be developed immediately.
- There should be a link between herring and mackerel plans. The 1A area needs limited entry now. If mackerel boats move up into that area, they have a tremendous capacity to catch fish.
 - A groundfish permit should not be held against a vessel.