

**ASMFC Shad & River Herring
Advisory Panel Conference Call
March 16, 2012**

Attendance

AP Members

Michael Blanchard
Alison Bowden
Louis Ray Brown
Dave Ellenton
Richard Fasanello

Joe Fletcher
Pam Lyons Gromen, Chair
George Loring
William Richkus
Byron Young
Kate Taylor, ASMFC

NEFMC Atlantic Herring PDT

Jamie Cournane

Advisory Panel Call Overview

The Advisory Panel convened via conference call on March 16th to craft recommendations for the New England Fishery Management Council's (NEFMC) Amendment 5 to the Atlantic Herring Fishery Management Plan. Jamie Cournane was invited to join the call to assist AP members in their understanding of Amendment 5 and to answer questions. In preparation for the call, the AP was sent links to the NEFMC web site containing a number of documents, including the: 1) *Public Hearing Document for Amendment 5*; 2) *Draft Amendment 5 including Draft Environmental Impact Statement (Volume I) dated February 16, 2012*, and 3) *Amendment 5 Volume II (Appendices)*. Table 179 from Amendment 5 Volume I entitled "Overlap between Amendment 14 to the Squid, Mackerel Butterfish FMP (MAFMC) and Amendment 5 to the Herring FMP (NEFMC)" was distributed before the call and was used to structure the meeting discussion. The table provided a useful frame of reference since the AP had convened last year to provide feedback on Amendment 14 alternative development.

Kate Taylor began the call by explaining the process the ASMFC will use to provide Amendment 5 recommendations to the NEFMC. The AP's recommendations will be provided to a working group of the Shad & River Herring Management Board, which will report to the full board during the April 30 meeting week. Likewise, the Atlantic Herring Section AP will provide its recommendations to an Atlantic Herring Section working group. Any disparity between Atlantic Herring Section and Shad & River Herring Management Board positions will be addressed by the Policy Board so that a single set of Amendment 5 comments is submitted to the NEFMC.

Advisory Panel Recommendations:

General

- The AP feels strongly that consistency issues between Amendment 5 and Amendment 14 to the Atlantic Mackerel, Squid and Butterfish (MSB) FMP (outlined in Amendment 5, Table 179) must be reconciled in the selection of final action alternatives. Given the overlap between the Atlantic herring and Atlantic mackerel fisheries, it is unduly burdensome to the industry and to enforcement to apply different requirements for vessel

and dealer reporting and at-sea observer measures. River herring incidental catch reduction strategies (e.g., area closures or incidental catch caps) also require inter-council coordination to be effective.

- While portside monitoring program options were dropped from Amendment 5, the AP believes that portside sampling programs provide important information on shad and river herring incidental catch, especially for high-volume fisheries where catch may be difficult to sort at sea. The AP notes that an analysis provided in Amendment 5 Volume II, Appendix II (B) discusses how portside sampling data can be effectively combined with at-sea sampling data to improve bycatch estimates.

The below recommendations are organized into the four major categories identified in the Amendment 5 Public Hearing Document.

FMP Adjustments

- Vessel Reporting Measures
 - The AP is supportive of measures that will improve the timeliness, efficiency and accuracy of vessel reporting. Consistency between the Atlantic Herring FMP and the Mid-Atlantic MSB FMP must be addressed.
 - The AP is concerned about compliance with vessel reporting requirements and believes enforcement of these requirements should receive more attention.
- Dealer Reporting
 - The AP notes that an accurate accounting of all catch is important. Recent river herring incidental catch estimates are calculated by extrapolating observer data to total catch reported. **The AP is generally supportive of Section 3.1.5, Option 2, Sub Options 2A-2C (Require Dealers to Accurately Weigh All Fish).**
 - Consistency between Amendment 5 and Amendment 14 dealer reporting measures is a very important issue.

Catch Monitoring At Sea

- Alternatives to Allocate Observer Coverage on Limited Access Herring Vessels
 - Dave Ellenton informed the AP of a meeting of many A/B permit holders that took place at the Boston Seafood Show. Industry representatives at the meeting decided to support 100% observer coverage for limited access (A, B and C) permit holders. They also agreed to pay for observers if costs did not exceed \$325 per observer sea day. They have not yet included C permit holders in the discussion but plan to do so. The AP commended Dave and the industry for their proposal.
 - The cost of \$325 per observer sea day is based on the west coast Pacific whiting fishery, which is also a high-volume fishery. The observers deployed in this fishery are certified by NOAA's Northwest Fisheries Science Center Observer Program but are not federally-employed. They are contracted privately by the industry. Observers are required for Pacific whiting vessels to fish, and the industry has accepted this requirement as the cost of doing business. AP members felt that if the west coast fleet could succeed while bearing observer costs then east coast boats could do the same.
 - **The AP reached consensus in supporting Alternative 2 under Section 3.2.1 (100% Observer Coverage on Limited Access Herring Vessels) for Category A & B permits. However, the AP did not reach consensus as to whether 100%**

- coverage should apply to C permit holders.** The group did agree that it is important to accurately and precisely estimate incidental river herring/shad catch from Category C vessels. The group also expressed concern as to whether 100% observer coverage was adequate for larger vessels that travel far offshore. A single trip can last several days and many long hours would be required of an observer. Observers need down time to rest and sleep.
- The AP notes that A/B boats (approximately 50 vessels) catch 97-98% of Atlantic Herring. C permit holders comprise another 55 vessels and the incidental catch of shad and river herring could be significant. A breakdown of permit category by gear type was not available, but it is believed that most Category C vessels are bottom trawlers. Based on analyses in Amendment 5 (Amendment 5 Volume II, Appendix 3), the costs of an observer as a percentage of revenue or daily operating cost is much greater than it is for mid-water trawls or purse seines.
 - **The AP also supports Funding Option 2 under Alternative 2 (Federal and Industry Funds),** including provisions for utilizing observer service providers as a more cost-effective alternative to federal observers.
 - **The AP supports the no action alternative (Option 1) under State Agencies as Service Providers for Observer Coverage.** The AP believes states should not be exempt from applying to NMFS to be authorized as providers and should not be exempt from complying with observer provisions found in current regulations.
- Management Measures to Improve/Maximize Sampling At-Sea
 - **The AP generally supports the suite of sub-options under Section 3.2.2 Option 2 (Implement Additional Measures to Improve Sampling).** The AP notes that Amendment 14 contains most of these options but does not include an option to address communication on pair trawl vessels (sub-option 2E). Once again, consistency between amendments needs to be addressed.
 - **The AP stressed support for sub-option 2D to require that an observer be deployed on any vessel taking on fish (e.g., an observer on each vessel of a pair trawl operation.)** For limited access herring vessels in 2010, 54% (692,000 lbs) of catch classified as “fish unknown” in the observer database was attributed to fish being pumped to the pair trawl vessel not carrying the observer (Amendment 5 DEIS, p 397). Catch documented by observers as “fish unknown” or “herring unknown” hampers an accurate accounting of incidental catch.
 - Measures to Address Net Slippage
 - **The AP supports Option 3 under Section 3.2.3 which would apply Closed Area I sampling provisions to all limited access herring vessels carrying an observer.** The Amendment 5 DEIS reports that these measures have been highly effective at preventing slippage in Groundfish Closed Area I with no slippage events reported for 99 hauls in 2010 (p.393).

River Herring Bycatch

- River Herring Monitoring/Avoidance
 - **The AP supports Option 2 and sub-options A and C under Section 3.3.2.2, which would apply Closed Area I sampling provisions and 100% observer coverage to**

Category A, B, and C vessels when they fish in the identified River Herring Monitoring/Avoidance Areas.

- **The AP also supports evaluation and review of the SFC/SMASST/DMF Project as described under Option 4 (Section 3.3.2.2.4).** The AP believes a river herring catch cap in combination with avoidance strategies could be a very effective means of minimizing incidental catch. If not implemented sooner, a river herring catch cap should be considered as part of Phase II (Framework Adjustment) of this option.
- River Herring Protection
 - **The AP supports Option 1 under Section 3.3.3.2 (Closed Areas) as an interim measure until a more robust strategy is implemented (e.g., avoidance strategies with a bycatch cap as discussed above).** The AP believes that the closed areas will provide immediate relief to river herring populations but is concerned that the distribution of river herring is too variable for these small closed areas to be effective in the long-term. If adopted, the NEFMC should request the Mid-Atlantic Council to take reciprocal action through Amendment 14. All small-mesh gear types capable of significant river herring bycatch should be prohibited from fishing in the closed areas regardless of the target species.
- River Herring Bycatch Caps
 - **The AP agreed that incidental catch caps are an effective tool and that Section 3.3.5 (River Herring Catch Caps) should be adopted and incorporated into the Atlantic Herring FMP.** This measure would allow a river herring catch cap to be developed through a framework adjustment or Atlantic herring specifications package after the ASMFC completes its stock assessment.
 - The river herring stock assessment is undergoing peer review and is expected to be ready for Board review during the April 30th meeting week. Kate reported that a “depleted” status is likely. She also informed the AP that the catch of immature river herring in ocean fisheries is of concern.
 - There was some disagreement among AP members regarding the mechanism and urgency for a cap. Some felt that the cap should be biologically based, and the measure could wait until the science to construct such a cap is available. Others felt that the need for a cap was more urgent and that a cap could be constructed from catch data initially and replaced with a biologically-based number later.
 - Because of the overlap between Atlantic herring and Atlantic mackerel fisheries, the benefits of a cap would be greatly diminished if the New England and Mid-Atlantic Councils did not cooperate on development and implementation of the measure. The AP is unclear how a cap could be shared between the Councils. (Amendment 14 does contain alternatives to implement river herring and/or shad caps.)