

Atlantic States Marine Fisheries Commission

Atlantic Herring Section

May 8, 2017
1:00 – 2:30 p.m.
Alexandria, Virginia

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*R. White*) 1:00 p.m.
2. Board Consent 1:00 p.m.
 - Approval of Agenda
 - Approval of Proceedings from February 2017
3. Public Comment 1:05 p.m.
4. Consider Addendum I for Final Approval **Final Action** 1:15 p.m.
 - Review Options (*A. Harp*)
 - Public Comment Summary (*A. Harp*)
 - Review Advisory Panel Report (*J. Kaelin*)
 - Review Law Enforcement Committee Report (*M. Robson*)
 - Consider Final Approval of Addendum I
5. Discuss 2016 Spawning Closure Pilot Program (*R. Zobel*) **Final Action** 2:15 p.m.
 - Consider Permanent Implementation of the GSI₃₀ Based Forecast System
6. Consider Approval of 2017 Fishery Management Plan Review and State Compliance Reports (*A. Harp*) **Action** 2:25 p.m.
7. Review and Populate the Atlantic Herring Advisory Panel **Possible Action** 2:29 p.m.
8. Other Business/Adjourn 2:30 p.m.

The meeting will be held at the Westin Alexandria; 400 Courthouse Square; Alexandria, VA; 703.253.8600

MEETING OVERVIEW

Atlantic Herring Section Meeting
May 8, 2017
1:00 - 2:30 p.m.
Alexandria, Virginia

Chair: Ritchie White (NH) <i>Assumed Chairmanship 2/16</i>	Technical Committee Chair: Renee Zobel (NH)	Law Enforcement Committee Michael Eastman
Vice Chair: Mark Gibson	Advisory Panel Chair: Jeff Kaelin	Previous Section Meeting: January 31, 2017
Voting Members: ME, NH, MA, RI, CT, NY, NJ (7 votes)		

2. Section Consent

- Approval of Agenda
- Approval of Proceedings from January 2017

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the Agenda. Individuals that wish to speak at this time must sign in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Section Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Section Chair may allow limited opportunity for comment. The Section Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Consider Addendum I for Final Approval (Final Action)

Background

- The intent of the addendum is to implement effort controls that can slow the rate of Area 1A catch so the seasonal quota can be spread throughout the entirety of each trimester, specifically Trimester 2.
- The addendum includes 6 alternatives to modify the Days Out program.
- Public hearings were held in Maine, New Hampshire, Massachusetts and New Jersey. Staff received 17 written comments, including a small-mesh bottom trawl petition with 82 signatures.
- Draft Addendum I, public hearing summary, written comment summary, Advisory Panel report and LEC report are in **Briefing Materials**

5. Discuss 2016 Spawning Closure Pilot Program (Final Action)

Background

- Upon approval of Amendment 3 the Atlantic Herring Section granted a one-year pilot of a new method, known as the GSI30-Based Forecast System, to be tested in the 2016 fishing season, followed by a performance review. The Section has the option to permanently implement the forecast system or to revert back to the length-based closure system (from prior years).
- 2016 Spawning Closure Overview in **Supplemental Materials**

6. Consider 2017 FMP Review and State Compliance Reports (Action)

Background

- New York has requested *de minimis* status.
- FMP Review in **Supplemental Materials**

7. Review and Populate the Advisory Panel (Possible Action)

Background

- An overview of current membership and vacant seats is in **Briefing Materials**.

8. Other Business/Adjourn

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

**The Westin Alexandria
Alexandria, Virginia
January 31, 2017**

**These minutes are draft and subject to approval by the Atlantic Herring Section
The Section will review the minutes during its next meeting**

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1. **Motion to approve agenda** by Consent (Page 1).
2. **Motion to approve proceedings of October, 2016** by Consent (Page 1).
3. **Move to approve the request of the New England Fishery Management Council to add a non-voting member seat for the development of Addendum I** (Page 1). Motion by Terry Stockwell; second by Doug Grout. Roll Call Vote: In Favor – ME, RI, CT, NY; Opposed – MA, NJ; Null – NH. Motion carried (Page 5).
4. **Move to approve Draft Addendum I for public comment with the exception of Section 3.2; items reviewed by the PDT but not developed** (Page 16). Motion by Terry Stockwell; second by Dennis Abbott. Motion carried (Page 16).
5. **Move that the Herring Section recommend to the ISFMP Policy Board to write a letter to the GARFO Office requesting that the states of Maine, New Hampshire, and Massachusetts be granted access to the VMS pre-landing report** (Page 16). Motion by Doug Grout; second by Terry Stockwell. Motion carried (Page 17).
6. **Motion to adjourn** by Consent (Page 13).

ATTENDANCE

Section Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Mark Gibson, RI, proxy for J. Coit (AA)
Steve Train, ME (GA)	Mark Alexander, CT (AA)
Rep. Jeffrey Pierce, ME, proxy for Sen. Langley (LA)	Dr. Lance Stewart, CT (GA)
Doug Grout, NH (AA)	Sen. Craig Miner, CT (LA)
G. Ritchie White, NH (GA)	Emerson Hasbrouck, NY (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John McMurray, NY, proxy for Sen. Boyle (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
David Pierce, MA (AA)	Tom Baum, NJ, proxy for D. Chanda (AA)
Raymond Kane, MA (GA)	Christopher Zeman, NJ, proxy for T. Fote (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	

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

Ex-Officio Members

Staff

Robert Beal	Ashton Harp
Toni Kerns	Max Appelman

Guests

Ali Murphy, NMFS	Vincent Balzano, Saco, ME
Ed O'Brien, MD LA proxy	

The Atlantic Herring Section of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, January 31, 2017, and was called to order at 8:00 o'clock a.m. by Chairman G. Ritchie White.

CALL TO ORDER

CHAIRMAN G. RITCHIE WHITE: I would like to welcome everyone to the Atlantic Herring Section; call the meeting to order. Before we get started with the agenda, we have two new commissioners present. I would like to welcome Mark Alexander; Connecticut, and Ray Kane from Massachusetts. I don't know if I can see that far, but I think we have New Jersey, Chris Zeman sitting in for Tom Fote; but he may not be at his seat.

APPROVAL OF AGENDA

CHAIRMAN WHITE: Starting with the agenda, is there any changes to the agenda? Terry.

OTHER BUSINESS

MR. TERRY STOCKWELL: Yes, I would like to move the other business of adding a New England council member as a non-voting member of the Section to the beginning of the meeting rather than at the tail end.

CHAIRMAN WHITE: Is there any objection to the change in the agenda? Seeing none; we will make that change.

APPROVAL OF PROCEEDINGS

CHAIRMAN WHITE: Are there any changes or additions to the October, 2016 minutes? Seeing none; we consider those proceedings approved by consent.

PUBLIC COMMENT

CHAIRMAN WHITE: Next public comment, is there anybody that would like to address the Section on items that are not on the agenda? Seeing none; then we're going to move into

considering non-voting representation for the New England Fisheries Management Council; and Terry will speak to that.

MR. STOCKWELL: This issue became apparent before the New England Council's Hearing Committee in Full Council meeting, which met last week; with specific reference to Addendum III. As the TC has identified in their overview of management alternatives, every one of the ones that are proposed may require NMFS involvement.

This is a joint managed species; we do set the specs together. There are state managers certainly, and at least one other council member that sits on the New England Council and the Hearing Committee; but there are many times where we cannot advocate for the council's position because we're advocating for that of our specific states.

I am going to make a motion to move that the Atlantic Herring Section approve the New England Fishery Management request to add a member of the council as a nonvoting member of the commission's Herring Section during the development of Addendum I.

CHAIRMAN WHITE: We'll get that up on the board; and oh a second, sorry. Doug Grout second, so we'll get that up on the board. Are there any comments? Yes, David.

DR. DAVID PIERCE: I was at the council meeting when we voted to do this. But after giving it further thought, I still wonder about the rationale and the reasons why we need to have another New England Fishery Management Council member at this table; in this particular case as a nonvoting member.

As noted by Terry, there are the state directors who are intimately involved with sea herring management at the state and federal level. We have the Chair of the Herring Committee, I think you're still Chair, Doug aren't you? I am still looking for some good rationale as to why there

should be someone else present to deal with federal fisheries considerations.

We have the National Marine Fisheries Service here at our Section meetings, giving us all the necessary guidance as to whether what we are proposing to do puts us in conflict with the federal rules; or just as inappropriate should be a joint action between the Section and also the council. I'm still looking for a good reason why, and I would like the maker of the motion to provide a more compelling case if he would.

CHAIRMAN WHITE: Any other? Dennis and then Terry.

MR DENNIS ABBOTT: I am opposed to this motion. I am opposed to this motion for a number of reasons, both process and the very fact of having a member. We just received a letter from the New England Fisheries Management Council on Friday. I think that is really too late to even be put on the agenda in the first place; and here we are a couple days later having had little time to absorb the ramifications of adding a council member, and we've already got it at the head of our agenda this morning.

I don't have a problem necessarily with a council member sitting at the table for a specific purpose, but this says that they will become a permanent member; non-voting member, but however a permanent member. I don't think the very fact that we are creating Amendment 3, warrants the inclusion of a member.

Second or third, the letter doesn't state who will be sitting on the board. Is it going to be the Chairman of the Herring Board of the Council? Is it going to be the Executive Director, or is it going to be an industry member? Could it be someone with close ties? I don't see that we need them. As Dr. Pierce previously stated, we already have members on the board.

If they chose to speak from a different position, as we've seen Terry Stockwell do; I think in

lobsters. He simply goes to the back of the room and establishes that he's speaking for the Council. I don't think it is necessary. It would be my recommendation, and if necessary I'll make a motion to postpone.

But I think that the Commission should develop a policy about including outside members to the Commission. We have to remember, this is the Atlantic States Marine Fisheries Commission; it isn't the Council, or whatever. I think they have enough voice, and when their voice needs to be heard they have plenty of opportunity to do that.

If we wanted a nonvoting member, I would be more strongly in favor of possibly an advisory board member coming to sit for a specific purpose; but not to add somebody at this point who is going to become a permanent non-voting member until the Commission takes action otherwise. Yesterday I spoke with the Executive Director. I think that he indicated to me that we didn't have a policy established for doing this with Sections; although we do with Boards. I'll close there and ask Robert if he can clarify for my understanding.

CHAIRMAN WHITE: Do you want to clarify that Bob?

EXECUTIVE DIRECTOR ROBERT E. BEAL: I would be happy to. Mr. Abbott is correct. The Charter provides that a management board can invite council representatives to sit as voting members. The Charter is pretty clear that it is the Chair or Executive Director of the Council or their designee; so they are allowed to assign proxies if a board wanted to invite them.

We have two examples of that in the Commission; one is the New England Council sits on the Lobster Board, and they vote on Jonah Crab issues. They've abstained on lobster issues; since there isn't a lobster FMP at the Council. The South Atlantic Council sits on the South Atlantic Board and votes on a number of issues on that board; because there is a lot of overlap between the species that the South Atlantic

Council works on and our South Atlantic Board work on.

Those are the two examples. The second point is that there is no guidance on Sections. Sections are kind of a unique animal; they were formed under Amendment 1 to the Compact and we don't have guidance in any of our guiding documents on how or if council representatives can be included on Sections. But Doug and I have had some conversation.

There is a lot of conversation, or a lot of discussion in the Charter about the importance of coordinating with the councils on these joint and overlapping complementary plans that we have. I think however the Section wants to include the Council in a nonvoting capacity is probably appropriate. You are not violating any provisions if this Section decides to approve this motion; but again, the Charter is silent on Sections and including councils.

MR. STOCKWELL: As we struggle to move forward with improving the management process between the different bodies here on the east coast, the two councils and Commission, to deal with climate change, socioeconomic issues and dual management. I think it would be a travesty not to include the Council in the discussion of this specific addendum.

It is not for the entirety of membership on the Section, it is specific to the development of this addendum; which is from the Council's perspective, and I'm speaking with my council hat on, of interest to the Council because of the management alternatives that have impact on the federal permittees.

This is no different to me than the Commonwealth of Massachusetts asking for additional representation on the Mid-Atlantic Fisheries Management Council for demersals on the Council. It is broadening our ability to collaborate with other members for joint management of stocks that are important to all of us.

The non-voting member seat is only because the sections are not allowed to have a voting member. I would welcome to have a council member to vote on this as well; but our charter does not allow for that. I urge the Commission and the Section to approve this. Let's try it out and see if it works, if not there is no reason to consider a council seat on the Herring Section in the future.

CHAIRMAN WHITE: Question for you, Terry. Since the Council is interested in broadening our ability to work together. Have there been any discussions about having a Section member sit on the Council?

MR. STOCKWELL: Reciprocity is something the Council has always considered. We recently populated the Habitat Committee with the Commission's Lobster Chairman, David Borden. We have commission members sitting at all our seats and it is something I could certainly bring back to the Executive Committee with Chairman Grout.

MR. DOUGLAS E. GROUT: I want to speak in favor of this motion. A couple points here that I want to make clear to the Section here. One, National Marine Fisheries Service is not represented on this Section, so that input is not provided here. Two, this is not a permanent one; it is very specific to provide a seat so that they can have some input and provide the Council's perspective on Addendum I. It doesn't say that this is a permanent seat on here.

They've asked for it for this specific issue. We've been partners in management for years, co-managing this species. This is the first time that they've felt this issue was important enough to move forward and try and at least provide the Council's input to the Section here on this particular management measure. We have not ever requested a seat on the Council. We do have Bob or Toni that represents the Commission at every council meeting.

As in this case, they are also ex officio members; non-voting members and they do bring up the Council's position. I am in the same boat as Terry, as sometimes I think it is important to have a council member here for this particular issue; because there are times where I need to represent the state and not so much the Council's position on matters.

I believe that this is important, and I hope you all consider allowing the Council to have an ex officio non-voting seat. One final point is the Charter, as Bob says, does speak quite extensively about the importance of coordinating with the councils on overlapping fisheries.

CHAIRMAN WHITE: David is next.

DR. PIERCE: Clarification, Terry noted my position on fluke, scup and sea bass, and said that my position relative to management of those three species conflicts with what I'm just suggesting for this particular motion. My request for those three species was joint management authority for those three species, the New England Council and the Mid-Atlantic, so it is entirely different.

To the point made by Doug. It is a good point regarding the National Marine Fisheries Service not being a Section member. Perhaps the motion should read that the non-voting member should be the National Marine Fisheries Service; for the purpose of developing Addendum Number I. If that is the intent of the maker of the motion, to make sure that we have the Service at the table as a non-voting member, then that's a different story.

But right now as noted by Dennis, this is open and there is no clear indication as to who in the world would be that non-voting member for the purpose of Addendum Number I. Again, I'm not going to vote in favor of this. I understand why the maker of the motion made it, but still it is not clear enough and I don't see the benefit of it.

MR. ADAM NOWALSKY: Good morning. As I understand this, we would have this nonvoting member purely for the purpose of development of Addendum I, which we're slated to take final action on at the next meeting. We're essentially going to have that individual here for one meeting; is what I'm basically looking at.

Given that we have the public comment period, the opportunity potentially for public comment on motions at the meeting, in order to support this motion, I would need some understanding about what that person, what that position would be able to provide by seated at the table; as opposed to being able to provide public comment during the time when this issue is opened for public comment, as well as having time for public comment at the next board meeting.

MR. ABBOTT: I am considering a motion and a motion to amend. My one motion would be to postpone this until May. On the other hand, I think I've been told that Vincent Balzano is here for the purposes of this meeting. An assumption is made that he is going to be sitting at the table.

I'll start off with an amendment. The amendment would say to act as a non-voting seat, not for the development of Addendum I, but for this meeting. That would give us time, probably if necessary a further motion to give this issue more of a chance to be vetted out through the Commission.

CHAIRMAN WHITE: Did you make that amendment?

MR. ABBOTT: Yes.

CHAIRMAN WHITE: Is there a second? Seeing none; motion fails. Unless there is someone that has not spoken yet, I think it is time for us to vote. Seeing that; all those in favor. Do you need the motion read? All those, Doug.

MR GROUT: Could we have time to caucus?

CHAIRMAN WHITE: You may. Okay, are we ready? All those in favor, please raise your right hand. Opposed –made a mistake, this is a final action so it has to be a roll call vote. Sorry about that. Ashton.

MS. ASHTON HARP: Maine.

MR. TERRY STOCKWELL: Yes.

MS. HARP: New Hampshire.

MR. DENNIS ABBOTT: Null.

MS. HARP: Massachusetts.

MR. RAYMOND KANE: No.

MS. HARP: Rhode Island.

MR. MARK GIBSON: Yes.

MS. HARP: Connecticut.

MR. MARK ALEXANDER: Yes.

MS. HARP: New York.

MR. JOHN McMURRAY: Yes.

MS. HARP: New Jersey.

MR. ADAM NOWALSKY: No.

CHAIRMAN WHITE: Motion passes 4-2-1-0. Okay, Dennis.

MR. ABBOTT: The motion that just passed says that for the development of Addendum I. What will be the sunset date for this participation?

CHAIRMAN WHITE: The passage; the passage or the failure.

MR. ABBOTT: It will sunset following the completion of Addendum I.

CHAIRMAN WHITE: I believe that is what the motion says. Is there a different interpretation you're suggesting?

MR. ABBOTT: Your interpretation is saying that it will end following the adoption of Addendum I?

CHAIRMAN WHITE: Yes, I believe that's what it says; Terry.

MR. STOCKWELL: That was the intent.

MR. ABBOTT: Thank you that's good.

CHAIRMAN WHITE: Okay, is Vincent Balzano here? Yes there he is. Vincent is one of the most distinguished commercial fishermen in the state of Maine, and I think he's going to be a great addition to sit at this table. Vincent. Do we have a seat for him?

MR. ABBOTT: He's both a good herring fisherman and also a good shrimp fisherman this year.

CHAIRMAN WHITE: He is for sure. Okay welcome, Vincent and I'll be looking for your hand to be raised.

MR. VINCENT BALZANO: Thank you, Mr. Chair and thank you to the Section for granting the Council's request. This is an important issue to the Council, and I will say that we have not had an opportunity to officially review or discuss the document; so it will be more a catching up and maybe a few questions then it would be for official comment from the Council.

**CONSIDER APPROVAL OF DRAFT ADDENDUM I
FOR PUBLIC COMMENT**

CHAIRMAN WHITE: Okay next agenda item, Consider Approval of Draft Addendum I for Public Comment. Ashton.

MS. HARP: Good morning. Today I'm going to review Draft Addendum I to Amendment 3 of the Atlantic Herring Fishery Management Plan. Addendum I was initiated to improve performance in Area 1 fishery. In recent years the Area 1, Trimester 2 fishery has harvested herring at a rate that if left unrestricted would exceed the seasonal quota in weeks, not months.

The increase in Area 1A fishing effort and vessel capacity is in reaction to a significant decrease of readily available herring in Area 3. Area 3 fishermen have reported finding some Atlantic herring schools, but in deep waters and intermixed with haddock schools. Attempts to spread the Trimester 2 quota throughout the season using the existing days out program have proven to be ineffective.

In 2016 the state of Maine implemented measures that were more restrictive than those of the Commission. The Section initiated the Draft Addendum I at the October, 2016 meeting to consider alternative management measures in order to improve the performance of the Area 1A fishery.

The intent of this addendum is to develop additional measures that ensure the seasonal quota is spread throughout the entirety of each trimester; that the measures are consistent between the states, and they address excessive capacity. The Section proposed nine alternatives in Draft Addendum I at the October meeting.

PLAN DEVELOPMENT TEAM REPORT

MS. HARP: The Plan Development Team reviewed each alternative, and ultimately developed options for six out of the nine proposed alternatives; as shown in this table. The first column describes the alternative. The second column illustrates what are the PDT developed management measures. A green cell means yes, a red cell means no.

The next columns indicate NMFS and ACCSP, so whether or not they may be involved in the development of these options. I will walk

through the management options for Alternatives 1 through 6, and will provide reasoning's on why the final three do not have management options in this document.

For reference, the coastwide Atlantic herring annual catch limit is divided amongst four management regions. ASMFC's Atlantic Herring Section manages Area 1A; therefore it is the focus of this presentation and the document. The Area 1 fishery has two primary effort controls, the first is seasonal quotas.

The majority of the Area 1A Sub-ACL has been allocated during the months of June through September, known as Trimester 2. This time period largely overlaps the peak months for lobster landings as shown in this figure. Herring is the most widely used bait type for lobster traps. The second effort control is the available landing days; known as the days out program.

This table shows the landing days during Trimester 2 of the Area1A fishery from 2011 to 2016. At the start of the season managers make planned landing day adjustments based on the fishery performance from previous years. In this table you will note that in 2013, 2015, and 2016, landing days were restricted before the end of the season; and this is indicated by cells that have a zero in them. I've reviewed the intent of the addendum and the current management measures, and would now like to review some pertinent data related to the forthcoming alternatives and management options. As shown in this table, purse seine and midwater trawl vessels on average account for 99 percent of the Atlantic herring landings in Area 1A.

Depending on the season, the gear ratio will be different, so during Trimester 2, 99 percent of the landings are from purse seine vessels; whereas in Trimester 3, midwater trawls account for 55 percent of the landings. The number of purse seine vessels directing on herring in Area 1A has declined with exception.

In 2016 there were two additional vessels when compared to 2015. As a high volume fishery, two additional vessels can greatly increase the capacity of the fishery, given purse seiners account for 80 percent of the landings on average. However, the fishery has had upwards of eight purse seine vessels in the fishery within the last five years; so seven is not unprecedented.

During June through October of the 2011 through 2015 fishing season, the average price of herring per metric ton in Area 1A was slightly more than \$300.00. In 2016, the per metric ton price peaked at around \$600.00; due to lack of supply and consistent demand. Traditionally herring during the summer months is harvested in Area 1A and 3.

Collectively these two areas comprise more than half of the overall Atlantic Herring annual catch limit. Reduced Area 3 landings have put additional pressure on Area 1A. However, the Area1A Sub-ACL by itself cannot meet the current needs of the bait market. The PDT attempted to look at carrier and transfer-at-sea activity, but quickly realized measures that were included in Amendment 5 to the federal Atlantic herring fishery management plan would make this a bit of a challenge.

Carrier vessels were provided more flexibility as a result of Amendment 5, which was implemented in 2014. A vessel could declare if it was going to become a carrier on a trip by trip basis via VMS and VTR reporting requirements for carrier vessels were eliminated. As a result the carrier activity from 2014 through 2016 shown in the top table is incomplete and represents minimum amounts.

Although VTR reporting requirements were eliminated, there were some carriers that continued to provide the VTR reports, and that's the data that is shown in the cells for 2014 through 2016. I just want to continue to note that it is an incomplete picture of carrier activity in those years. Amendment 5 also established

at-sea herring dealer permits, which allows a carrier vessel to sell herring instead of solely acting as a transporter. In 2016 five permits were issued.

The majority of options under each management alternative are linked to federal permit categories; therefore these tables summarize effort and participation for those permit categories that can fish in Area 1A. Those permit categories include permits A, C and D. As shown in the top table, vessels with a Category A permit harvest the majority of Atlantic herring in Area 1A.

To obtain a Category A permit, a vessel must meet certain landings and history criteria. For the bottom table it illustrates the number of vessels that have a federal permit, and also the percentage indicates the amount of those permits that are active. The number of active Category A vessels has fluctuated between 21 and 26 vessels in recent years. Category C and D permits are for incidental catch, and participation among these vessels has been decreasing. Now I'm going to move into the draft management alternatives for Draft Addendum I. I'll review six management alternatives, and these were designed to improve the stability of the fishery and stabilize the rate of harvest during the fishing season.

The PDT would like to note that the adoption of all six may not be necessary to meet this goal. The first one is state vessel landing reports. To complete the majority of the other alternatives, states will need access to more timely reporting. Currently the days out program relies on weekly landing reports; which are not ideal in a high volume fishery.

Option B would require additional reporting requirements on behalf of harvesters that land herring from Area 1A and also land out of Maine, New Hampshire and Massachusetts port. The harvester would be required to report catch within a 24 hour period to the state, likely through ACCSPs eTrips, so this would require

some outreach on behalf of the states to familiarize harvesters with the new reporting system, as well as take time to work with ACCSP to roll out eTrips for this specific fishery.

Alternative 2 is: prohibit the landings of herring caught in Area 1A during a day out of the fishery. Option 1 is status quo. As we know the days out program pertains to all harvesters, and it just says; a vessel may land once per calendar day on any day that is open to landing, i.e. not a day out.

Similar to current spawning closures, the PDT has developed Options B and C. Option B is, harvesters are prohibited from landing or possessing herring caught in Area 1A during a day out of the fishery; and harvesters is highlighted in red, because originally in the document that was sent out they said all directed herring vessels but it should have said just harvesters to make it a bit more general.

Option B is supposed to be very similar to Option A, except for a change in wording where it says or possessing. Option C is specific to Category A, limited access permits. It basically says the days out program only applies to Category A vessels, meaning that if vessels of Category C or D permit then they are not required to comply with the days out program if Option C is chosen.

Alternative 3 is weekly landing limit per vessel. As we know, currently the Commission has not issued any weekly landing limits per vessel, so Option B and C were developed. The PDT expects a weekly landing limit per vessel to stabilize landings in the fishery. Option B would apply the weekly landing limit to Category A vessels, and Option C would apply the weekly landing limit to Category A and C vessels.

The PDT notes that Option C would require more work on behalf of the states to track Category C vessels in addition to A vessels. In addition, Category C vessels are already restricted as a condition of their federal permit to catching no more than 55,000 pounds per day. Landings by Category C vessels in the last five years have not

exceeded 700 metric tons; and in 2015 Category C vessels only landed 77 metric tons.

In comparison to Option B, Option C would therefore require additional staff resources to track those vessels. For both options, harvesters would be required to notify states of their intent to fish in Area 1A, and the gear type they will be using 45 days prior to the start of the fishing season. Forty-five days was chosen, because it allows states the time to record the expected number of vessels and gives the TC a proper amount of time to calculate weekly landing limits and the landing day scenarios. These would then be presented at the days out meeting, which is generally one month prior to the fishing season.

Alternative 4 is landing restrictions on transfers at sea. Currently status quo is a vessel with the proper permits can transfer or receive Atlantic herring at sea. The PDT considered placing landing restrictions on those transfers at sea. Option B allows harvesters to land herring, meaning if you harvest the herring then you can land such herring.

This option would have significant economic impacts on vessels that operate solely as carrier vessels; because it essentially eliminates them from the Area 1A fishery. Option C is a replicate of the regulations that were implemented in Maine in 2016. It restricts carrier vessels to receiving one transfer per week from a harvester vessel, and allows carriers to land once during a 24 hour period at any Maine, New Hampshire or Massachusetts port.

The PDT has some concerns with the traceability of Option C, because carrier vessels do not report catch on federal VTR reports. Option C would require New Hampshire and Massachusetts to develop a reporting mechanism for harvesters to report transfers at sea, and/or develop some kind of carrier permit to track these carrier vessels.

Alternative 5 is a small mesh bottom trawl days out program. Currently the days out program

applies to all Atlantic herring harvesters. The PDT developed a small mesh bottom trawl days out program that would operate in a similar fashion to the existing days out program; meaning that the Section members from all three states would still meet to determine the number of days out for each vessel, they would just do it for small mesh bottom trawl gear in addition.

Although harvest of Atlantic herring by small mesh bottom trawl fleet is small, at less than 1 percent of the Sub-ACL, there is interest in targeting herring for the weekend recreational bait market. Generally the days out program does not allow landings on the weekend, because of the large volume market the first early week landing days.

This days out program acknowledges other markets and allows the small mesh bottom trawl fleet to have differential landing days. To opt into the program a vessel would have to have a Category C or D permit and use small mesh bottom trawl gear. Harvesters would also be required to notify each state 45 days prior to the start of the fishing season to declare into the fishery.

This is just a little example to show like how the days out program could work, based on different gear types. The purse seine vessels would have landing days at the beginning of the week, the small mesh bottom trawl could have landing days at the end or over the weekend as they like, they could also overlap in landing days as well.

Alternative 6 is clarification of the days out procedure. Currently the FMP says that if states cannot come to a days out decision then the matter will come before the Section at the next scheduled meeting or special meeting. The Section has requested to clarify the method of agreement in the number of landing days available the decision is not made. Option B1 entitles each state to one vote, whereas the majority wins; since there are three states participating. Option B2 would require a

consensus vote. If there was still an issue where states could not agree, then default landing days would kick in; and currently these are not designated in the FMP. Option C1 would apply a previously agreed upon landing day scenario.

Whatever was previously agreed upon would kind of rollover if the decision could not be made, or if no decision had been made; say it was the beginning of the fishing season, then seven available landing days would be made available. Option C2 would say that if a decision is not made then the default landing day scenario is zero days.

There would basically be no fishing until a decision could be made. That concludes the management alternatives that were developed by the PDT for Draft Addendum I. The next portion of the presentation is overview of the alternatives that were considered by the PDT but not developed.

The Section members were made aware of the PDTs concerns' regarding these alternatives, and a regional working group was convened on January 5th. The working group discussed the two alternatives under Section 3.2 and recommend they be removed from the document. A tiered weekly landing limit was another alternative that the PDT did not develop management options for. Instead, a portion of the regional working group suggested scoping questions be developed and these were developed under Section 4; and I'll review both of these sections now.

The first alternative that does not have any management options is, restrict a vessel from using a different gear type midseason within Area 1A. The method to implement this alternative would mean that if any vessel fishes, let's say in Area 3 using midwater trawl gear that vessel could not then switch midseason to become a purse seine vessel in Area 1A. If this was implemented, a vessel would have to declare into the Area 1 fishery at the start of the season, possibly 45 days before.

But the PDT feels that this alternative has the potential to increase the Area 1A participation. For example, a midwater trawl vessel that may have formerly fished in Area 3, may declare into the Area 1A fishery as a purse seine vessel at the start of the season, instead of even attempting to fish in Area 3.

Therefore, the PDT feels that this alternative could have an unintended, negative impact on the Area 1A fishery and the lobster bait market. As shown, also in the white paper that was presented at the October meeting, the bait market relies on landings from both Area 1A and 3, and the Area 1A Sub-ACL alone cannot meet this demand.

The second alternative that was considered by the PDT, but options were not developed, was to develop an Area 1A set-aside of the small mesh bottom trawl fleet. The PDT noted that states currently lacked the ability to monitor small mesh bottom trawl landings as reporting does not include mesh size.

Also, the PDT most importantly feels that ASMC could, or the Section could recommend the Commission send a letter to encourage the Council to consider this action in the next specifications package, since we are talking about the ACL; and if we don't have the proper methods to report on how much catch is coming in, it might not be preferable to install this if we can't really report on it accurately. The next section is Section 4, and at the working group meeting the PDT presented concerns regarding a tiered weekly landing limit. Most notably the group did not have enough time or guidance from stakeholders to begin the process of developing options. In addition the PDT noted that vessels with a Category A permit, which harvests the majority of the Sub-ACL, have already met certain landings and history criteria to receive such permit.

Therefore, this has the potential to negate future fishing opportunities that have previously been instated by the National Marine Fisheries

Service. At the meeting there was some interest in having a better understanding of what a tiered system may look like. The PDT had previously concluded that stakeholder input would be a valuable first step in this process. Following the meeting, Maine also agreed. I am going to present some draft scoping questions to gather input on the next slide.

I just want to note that after the meeting the PDT was notified that the Maine Legislature has taken the first step to implement such a program. The Legislature proposes to establish a control date for Atlantic herring, and to allow for the Commissioner to establish differential landing limits. Similar legislation actions would be required from each state prior to implementation.

This slide just kind of shows the initial scoping questions for the tiered weekly landing limit. How this was kind of initially thought out was that following each public hearing on Draft Addendum I, staff could hold an additional session to discuss these scoping questions. The feedback generated from these questions could be used to develop options in a future management document; either an addendum or an amendment, however not this addendum.

Feedback on Draft Addendum I and the scoping questions could be presented at the May meeting. As you can see, I mean the questions are very general, just are harvesters interested in a tiered weekly landing limit, and if so, how would the tiered system be created? Would it be vessel size, would it be harvester history permit category? How many tiers are needed?

If there is a control date based on harvester history, what is that date? If its vessel size, what range of vessels do we want to include in each tier? Then also, should each tier be designated a portion of the seasonal quota; if so what percentage? These kinds of basic questions the PDT felt that they needed guidance from stakeholders before developing any options for them.

The Board would have to consider if they wanted to have Section 4 included in this document in Draft Addendum I for public comment. I want to review the addendum timeline. This addendum was initiated at the October meeting. There was a working group held in New Hampshire at the beginning of January. We are all here today to kind of meet and discuss Draft Addendum I, and possibly approve it for public comment. In blue are kind of things that are a little bit extra from a regular addendum.

At this meeting the Section can also consider the working group recommendations to remove Section 3.2 and also consider whether or not they want to include Section 4, the scoping questions in this document. If this document is approved then the Section will solicit public comments on it in March and April, and states will conduct public hearings. We will all meet back in May and review the public comments if the scoping questions are included in the document or as an appendix to the document, or as a separate document; but still go out for public comment. Those would all be presented in May as well. June, 2017 is what I've noted for the provisions of Addendum I to be implemented. It will need to be discussed, I guess probably at the next meeting if that is a possibility, because the meeting will be in May and the fishery starts June 1st, but that can be up for further discussion. With that I will take questions on Draft Addendum I as it was presented today.

CHAIRMAN WHITE: Thank you, Ashton. As you can see this has been a complicated process in the states that have not been involved in trying to manage the flow of herring during a second trimester. We've been struggling with this for a number of years. As you can see there are complicated potential solutions to that; having said that questions for Ashton, David.

DR. PIERCE: Yes, 2016 was an especially difficult year as noted by Ashton in her presentation; slowing down landings making available a constant flow of herring for lobster bait. I am

glad we have the addendum before us, and much of it was of course initiated at the request of the state of Maine; and thanks to the state of Maine for offering it up.

Question, the working group Ashton, in particular the Plan Development Team did a great job putting this together, and there is some data that I hadn't seen before that is extremely useful. My question pertains to those data. Leading up to my question, I just want to highlight how I got to the question, and that is we're concerned about Trimester 2 primarily; June through the end of September for availability of lobster bait.

I notice in Table 3B for that time period June through September that 99 percent of the overall landings for Trimester 2 are from purse seines. Then I note that in Table 4B that there were only five purse seines. Five purse seines permit holders responsible for 99 percent of all of those landings, and then I noted in the table following that the average total revenue was about 1.5 million dollars per permit holder, and it went up dramatically in 2016 as opposed to previous years.

My question is, of the five permit holders how many companies are we talking about, because my question is specific to the scoping comments; and I'll get to that later on. But how many companies are responsible for 99 percent of all of the purse seine landings? Actually that is all the landings basically, not just purse seine landings, so all the landings taken from Area 1A during that time period. How many companies, do we know, Ashton?

MS. HARP: I'm sorry; I do not know the answer to that question.

DR. PIERCE: Okay perhaps Terry would know. There are also carriers involved as well; carriers who have permits and they can sell their sea herring. I would also love to know, especially for the public hearings that we're going to have, how many carriers are owned by the same

companies? To give the Section a better feel for right now, who has the major portion of all of the herrings available for harvest? It is an important issue. It is important for us to know and understand as we move this addendum forward. Is it safe to say two companies?

CHAIRMAN WHITE: Trying to determine whether that information is available, you know due to privacy. I'm not sure whether we can get that or not; but I guess we can pursue that.

DR. PIERCE: Yes, I would appreciate pursuing that question in preparation for the public hearings, because I'm sure that it will come up; since we are talking about measures that will promote, perhaps, those existing participants, and those few companies for continuing to have the lion share of what's available for harvest.

CHAIRMAN WHITE: Terry, to that point.

MR. STOCKWELL: To that point, Mr. Chairman. Actually David, directly behind you is two different purse seiners from the state of Maine. There are three others plus another company that came from New Jersey. There are six different entities, six separate entities last year.

CHAIRMAN WHITE: Thank you, Terry. Doug.

MR. GROUT: I have just a couple of questions for Ashton, and then a comment about a part of our problem statement. I'll go with a couple questions first. One of the things that I understand that the reason we're putting forward an Option 3.1 harvest reporting requirement, primarily is because not all states have access to the federal vessel monitoring system pre-reports, pre-landing reports; is that the case?

MS. HARP: Yes. I did put in kind of the starter text to this alternative that NOAA does have VMS pre-landing reports that kind of supply all of this information, but it is extremely restricted program to get into, and the states do not have access to this. But if the states did have access

to the VMS pre-landing reports then we wouldn't have to develop state-specific harvester reports.

MR. GROUT: Do you know if any state has had access to them at all, and if so how did they obtain that?

CHAIRMAN WHITE: Terry to that.

MR. STOCKWALL: Yes to that point, Mr. Chairman. State of Maine has access, Doug.

MR. GROUT: One of the things that is suggested actually in the document is that the Commission write a letter to NMFS requesting that the three states here have access to that. Maybe you could help us craft that letter with the language that the state of Maine used to get that access.

MR. STOCKWELL: I would be happy to. I do have one related comment. On the state landing reports last year that were used by the state of Maine in our emergency rule making was to monitor the rate of catch, not the quota. We relied on the GARFO quota monitoring program. We were just concerned that with the weekly limit that we had that it was something better than the meatball guesstimate of what was coming in. The industry did their reporting and it was very close.

MR. GROUT: Good, thank you. My second question is primarily to help clarify to the Section. When we go down to Item 3.1.6, clarification of days out procedure, this is something that we're just trying to clarify; some of the ways in which we make decisions and what are the ramifications if we can't come to a decision between the three states? If we can't come to a decision, what would be the status quo procedure? I'm not sure it's clear in the document from my standpoint. Because for example, if we don't establish a days out at our May meeting for Trimester 2, because we can't come to a decision. Under the status quo option, what would be the landing days?

MS. HARP: That is something the PDT discussed, and it's just not clear in the document. It's very hard to provide a kind of a status quo measure when there is no specific notation that it says it is seven available landing days; although we know that the Section has defaulted to seven available landing days in the past. But it is not specifically written in the document.

MR. GROUT: Okay, I took it that it said that if the states can't come to an agreement there will be no change to the landing days; we maintain the previous agreement.

MS. HARP: Once again, for those specifically, it is hard to even default to a status quo if the language is not there. It is kind of more saying to the public is, this information is not here so you might not want the status quo because it is not clear at all. This would kind of provide a method forward to clarify that. I guess the PDT kind of had trouble just kind of thinking about what the status quo was, when it wasn't specifically written out in the document.

MR. GROUT: My final comment and actually I think I sent you an e-mail about that; was just a minor, but I think important language change, a language change we need to put in the problem statement. It says in the problem statement, and let me get to it exactly; give me a minute. In the last sentence of the problem statement it says; the intent of this addendum is to develop additional measures that ensure the seasonal quota is spread out throughout the entirety of each trimester.

I am not sure that that is really the issue or the problem here. If you look at the beginning of the problem statement, we're referring to the issues with Trimester 2, because there is so much demand. That is when the peak demands for harvesting is, for lobster bait, excuse me, I would suggest.

While I don't think we need to limit the measures to just Trimester 2 that in the problem statement we say that it be spread throughout the entirety

of Trimester 2, as opposed to throughout the entirety of each trimester. Again, I don't see a problem with applying these measures to other trimesters if we so choose. But I think this will make the problem statement clearer and more appropriate.

CHAIRMAN WHITE: Thank you, Doug, I think that makes sense and we can make that change. Any other questions? Terry.

MR. STOCKWELL: Yes, to that point, Mr. Chairman. Doug and I have had conversation about this a couple times. I understand his intent, I just want to make sure it is an understanding of the Section and staff that these measures could be applied to other trimesters; should the Section so intend. At our working group meeting and prior we had some interest from industry to use some but not all of the measures in the third trimester, and I wouldn't want to preclude that by any kind of limiting language.

CHAIRMAN WHITE: David.

DR. PIERCE: Yes, regarding the statement of the problem. There is a reference to our using this addendum as a way to address excessive capacity within the fishery. My question is, the part of the document, the references are asking those questions that Ashton highlighted for us, asking those questions as part of a scoping process.

Are those specific questions that specific possible initiatives down the road; is that the one that is being offered up in a strange way to address excessive capacity? In other words, I'm just trying to find how this document overall addresses excessive capacity without our dealing with the differential trip limits for different permit holders. Again just Plan Development Team perspective, I would appreciate that on this question of addressing excessive capacity.

MS. HARP: I'm sorry; I was conferring with him about something. Just so I understand the

question, you wanted to know how the scoping questions relate to addressing excessive capacity in the fishery.

DR. PIERCE: Yes, addressing capacity to me suggests that we're somehow going to be limiting the effort within the fishery specific to permit holders; new permit holders. Again that is about the scoping. That is specific to the scoping. If it is specific to the scoping then perhaps the statement of the problem is incorrect.

Because the addendum will be addressing the other aspects of the problem, not excessive capacity; I want to make sure that if we adopt this or bring it to public hearing we don't confuse the public relative to what exactly are we proposing to deal with excessive capacity.

MS. HARP: Okay I understand completely. That is one of the challenges with including these questions in the document for Draft Addendum I. When in reality the management options that could come from these would be in a different management document. It would likely have a different problem statement; it would have different data relative to them.

Not to say that it would be completely different, but it would be a little bit different. I do understand what you're saying. This was just kind of at the request of the regional working group was to kind of include these scoping questions into the document, and then we could discuss them today. They could also be included as an appendix to Draft Addendum I, so they could still go out to the public for kind of scoping, but not confuse them as to say that it is a part of and completely related to everything else in this document.

CHAIRMAN WHITE: Terry.

MR. STOCKWELL: To that point, Mr. Chairman. Good question, David. One of the measures should it be adopted by the Section to move forward for public comment does address

capacity, and that is the landing restriction on transfers at sea. It has huge implications. The working group tried to wrap their head around the tiered weekly landing limit, and Ashton's report about the state of Maine's legislative action is spot on.

In my conversations with the Chair and with Ashton, we advocated for the thought of moving ahead for scoping to find out really what does the public think about this; and should Maine Legislature approve this it will help inform state of Maine's next steps. My perspective, it doesn't bind the Section into doing anything other than take it out for scoping. I am certainly not prepared at this time to select any preferred alternatives. I would like to hear more what the public has to say.

MR. GROUT: This is sort of a follow up to one of my questions. Where we're trying to clarify what the document says about our decision process, I would like to add a third alternative to the C options. I'm moving to include an option.

CHAIRMAN WHITE: Doug, excuse me. We're still in questions.

MR. GROUT: Oh, I'm sorry I'll wait, absolutely.

CHAIRMAN WHITE: I'll recognize you when we move out of questions; and we may be there. Are there any further questions? Seeing none; we're there, Terry.

MR. STOCKWELL: Mr. Chairman would you like to have a motion to move ahead the public hearing document that Doug can then amend?

CHAIRMAN WHITE: Well, I already told Doug that he was in the process of that and I would recognize him first and I will follow up and recognize you second.

MR. GROUT: Under the clarification process for default landing day scenario we have two options, one if we can't make a decision there be seven landing days, the other one would be zero

landing days. The way I see it there have been a number of times where we've already established landing days in the middle of the season, and if we couldn't come to a decision I would like to have an option in here that there would be no change to the current landing days.

I would move to include a third option under the C category called default landing day scenarios-no change to current landing days. Just a description of this is the default landing day scenario; and you don't have to put this in the motion, unless you want to, but the default landing day scenario until an agreement is reached is no change to the current number of allowable landing days. If I can get a second to this I will be glad to speak to it.

CHAIRMAN WHITE: Doug, question to you. In reading Option C2, doesn't that cover what you are trying to accomplish?

MR. GROUT: Mr. Chairman, no it doesn't because for example, if we decide to make changes. If we have a meeting, let's say in June we set, for example, three landing days. Then we come to July and we have a meeting to potentially change those landing days. You would have an alternative to maintain the existing landing days, as opposed to having seven landing days or zero landing days as whatever the default option is.

I think we need to have the capability of doing that. The same thing happens, there is a variety of times when I think it would be unofficial that we have the same landing days as opposed to if we were going to choose three, have zero landing days; or seven.

CHAIRMAN WHITE: Ashton.

MS. HARP: I just want to point out one thing, and you may have already seen this. But I just want to do it, because the header of Option C2 is a little bit deceiving because it says seven landing days. The PDT did change the language under

that to specifically say like this is what would be the regulations we would follow.

It says, the default landing day scenario until an agreement is reached, is the previously agreed upon number of landing days; so to say if we already agreed on three landing days and we can't make a decision, then we're going to keep three, or seven landing days if the number of landing days has not been set for the current fishing season.

If we immediately start out on June 1st, and we can't decide landing days, then it will be seven. I just wanted to see if that kind of covers the other Option C that you said, because there is actually like two options included in Option C2, it is not just seven.

MR. GROUT: I guess the header fooled me; the description of it doesn't make it clear. Maybe if that is the case that we come up with a more clear header to this, because clearly saying it would be seven landing days in the header does not get into the nuance of if we already have some in place it would be the existing landing days. Because the way I look at things, before we set the initial landing days in June, our landing days are zero, because we have no quota in there. We have no quota in Period 1.

CHAIRMAN WHITE: Do you want to go forward with this motion?

MR. GROUT: It is already made and seconded, and we can just vote on it one way or the other. I mean I think it's already been brought to the board and it's been seconded.

CHAIRMAN WHITE: If you're willing to withdraw and the seconder is willing to withdraw and there is no objection to that then we don't have to vote.

MR. GROUT: Dave, are you willing to withdraw?
DR. PIERCE: Yes.

MR. GROUT: Okay, thank you, and I'll withdraw.

CHAIRMAN WHITE: Are there any objections?
Toni.

MS. TONI KERNS: I just have a quick question. In reading this, do we need to define what previously agreed means? Just thinking about it out loud, is previous mean from the year before or is it just what the three states come up with earlier in the year?

MS. HARP: I did think about that. We could say, as Doug had said, we could say existing landing days instead of previously agreed upon; but also to touch on your point, I did put or seven landing days if the number of landing days has not been set for the current fishing season. I was thinking that specifically if it's a June 1st then we're starting at nothing. We wouldn't go back to Trimester 3 for Trimester 2.

MR. STOCKWELL: Are you ready for a motion, Mr. Chairman? I move to approve Draft Addendum I for public comment with the exception of Section 3.2; items reviewed by the PDT but not developed.

CHAIRMAN WHITE: Dennis. Do you want to speak to it, Terry?

MR. STOCKWELL: Now is not the time to cherry-pick our alternatives. Let's take it out, hear what the public has to say, meet back in May and make an informed decision at that point.

DR. PIERCE: I have no problem bringing it out; we've had some good discussion already. I hope the answers to my questions can be provided; notably the number of real participants in this fishery. If we're voting on this however, I want to suggest a clarification; and that is in the Section 3.1.6 clarification of days out procedure.

All the different options pertaining to the days out program, very specifically stated the days out program. However, when we go to Section 3.1.2 we note that if we select one of the options within that section we are replacing the days out,

all right so no longer does days out have any relevancy.

I just wanted to highlight for the benefit of Ashton, so that when this document is presented and eventually revised it would reflect the fact that those particular options for clarifications of days out procedure now have to have another way of being described, because it is no longer days out; because the options in 3.1.2, some of them anyway, pertain to no fishing days.

Now the no fishing days isn't highlighted specifically in the text, but the text in some of the options; maybe just one. You can't fish on those days. It is not just a day out of landing; it is no fishing, no landing. I just wanted to highlight that as a need for eventual clarification depending upon how we eventually decide to approve this document.

CHAIRMAN WHITE: Any other comment from the Section? Seeing none; any members of the public like to speak? Seeing none; do we need caucus time? A minute to caucus, okay are we ready to vote? I'm going to take a shot here. **Are there any objections to this motion? Seeing none; it passes unanimously.** Thank you. Any other business that is not on the agenda? Doug.

MR. GROUT: Per my previous discussion here about the states getting access to the pre-trip notification on VMS. **I would like to make a motion that the Herring Section writes a letter to the GARFO Office requesting the three states involved in this, Massachusetts, New Hampshire and Maine be granted access to the pre-trip notification; VMS data for the purpose of managing the fishery.**

CHAIRMAN WHITE: Is there a second? David. Is there any objection to that motion? Toni.

MS. KERNS: Before you find out if there is objection can we perfect it slightly and just say move that the Herring Section recommend to the Policy Board a letter be written?

CHAIRMAN WHITE: Thanks for that correction. Is there any objection to the new motion? **Seeing none; the motion is passed, and Bob will be sending out a letter, any other new business? David.**

DR. PIERCE: Yes, under Section 3 in the document, Table 12. The Plan Development Team, Ashton notably highlights for us that part of the document, or those parts of the document that may require the National Marine Fisheries Service involvement; notably implement state vessel landings reports, prohibit landings of herring caught in Area 1A during a day out of the fishery, and landing restrictions on transfers at sea.

I'm assuming that we will be getting from the National Marine Fisheries Service, I guess this can also be by way of Vincent, the extent to which the National Marine Fishery Service, hence the Council, needs to be involved in the discussion of and implementation of these specific management alternatives.

It is still not clear to me the nature of the involvement of the Service and the Council. I don't think I need to make a motion to this effect, but can we be assured that we'll be asking the National Marine Fisheries Service for it to weigh in on these particular issues; so we know before we get to public hearings that we can do these things, independent of the councils and the Service.

MS. HARP: Yes, we will be working with them as we have throughout the just drafting this document, just even getting the data. They are very aware of what's going on. I will say that the way that we worked out some of the alternatives, some of them that initially would require NMFS involvement don't really require them as much.

As far as like the prohibit landings of herring caught during a day out of the fisheries, we changed it to landings. How it was originally worded that was like an alternative. At the last

meeting it would have required kind of involvement from the National Marine Fisheries Service; because it said to modify the program to restrict fishing days.

The PDT met and thought, well that would definitely involve NMFS involvement and that would take a long time, so the Commission kind of changed it to restricting landings for that. Some of these we have crafted so that we know that they could be implemented, but it still would be helpful to have the coordination of NMFS.

DR. PIERCE: With that said, I notice that one of the options does specifically relate to no fishing days, and I believe the state of Maine and Massachusetts for that matter and New Hampshire, did go with no fishing days in 2016; as an important change in our approach. If indeed we are talking about and we do adopt, a prohibition on fishing days as well as landing; and I think we're going to have to.

Then that probably would require the services involvement, I think. But again, I can't speak for the Service or for the Council for that matter in this particular instance, because it hasn't been delved into by either the Full Council or the Service. Again, I am stressing the need for us to know when the Service would say, specifically the service, when they would say right; we don't need any federal involvement. The states can handle this issue by themselves.

I suspect we can, because we did it in 2016. But I don't think the Service spoke up on that and expressed an opinion as to whether or not it was something we could have done without federal involvement. Anyways, I made my case and I hope we can get all of that clarified before the hearings.

CHAIRMAN WHITE: Vincent.

MR. BALZANO: David, to kind of answer your statement or question is, my background information that I had gotten from Tom, our

Executive Director was that Table 12 was the area of the document that gave them great concern; and that our plans are to review it at the April Council meeting and then report back. Other than that I will report to Tom and to the Council the concerns, and maybe they can expedite it. We do have a couple committee meetings between there and then, but that is still not Full Council vetting.

CHAIRMAN WHITE: Doug and then Terry.

MR. GROUT: Once this document goes out for public comment, I fully expect that National Marine Fisheries Service will be providing comments on this. I think this is the mechanism; our formal public comment process is a mechanism for them to provide input at the National Marine Fisheries Service level.

Just to clarify, Dr. Pierce, we still don't have the ability to restrict fishing. In the state of New Hampshire our authority does not extend out into federal waters; but according to our legal counsel, we can restrict landing a product that was caught on a no fishing day, because it doesn't prevent them from fishing.

They can fish out in federal waters on a no fishing day; they just can't land in New Hampshire under one of these provisions; if the product was caught on a no fishing day. I think that's a very important distinction here if we're moving forward with this process that we try to emphasize, and I believe that's the way it's written in the document; that we're prohibiting landing of a product that was caught on a no fishing day in our particular state. It doesn't mean that the vessel could go to Rhode Island or New Jersey and land that product.

CHAIRMAN WHITE: Terry.

MR. STOCKWELL: I'll be brief. Just to remind the Section that the motion that was originally made when we were all in Bar Harbor was a result of a series of meetings that Maine DMR had with our herring fishery. About half of the proposed

management alternatives were those that were implemented in Maine last year through the Commissioner's emergency rule making authority.

The other half were measures proposed by Maine industry, so may require NMFS involvement may not. As I said earlier, much of the angst that came from the TC and our federal partners were related to the landing reports, and we clearly did not use them for monitoring the quota.

MS. ALISON MURPHY: My name is Ali Murphy from the National Marine Fisheries Service. I just wanted to comment that NMFS supports the goals and objectives of the Section's addendum here; and that we're following what the Section is doing and as Mr. Grout pointed out, we do intend to provide comment during the public comment period on any issues that the National Marine Fisheries Service thinks there are with any of the options. I just wanted to say that we are tracking the options for consistency with the federal plan. One other point if I may make on the previous motion that was just up on the screen. I believe that letter would need to go to our Office of Law Enforcement and not to the GARFO Office. If it does come to the GARFO Office though, we can pass that along to our Office of Law Enforcement.

ADJOURNMENT

CHAIRMAN WHITE: Thanks for that clarification. Any other business? Seeing none; motion to adjourn. Seeing no objection; we're adjourned.

(Whereupon, the meeting was adjourned at 9:25 o'clock a.m., January 31, 2017.)

Atlantic States Marine Fisheries Commission

DRAFT ADDENDUM I TO AMENDMENT 3 TO THE ATLANTIC HERRING INTERSTATE FISHERY MANAGEMENT PLAN FOR PUBLIC COMMENT



ASMFC Vision: Sustainably Managing Atlantic Coastal Fisheries

Atlantic States Marine Fisheries Commission Seeks Your Input on Atlantic Herring Management

The public is encouraged to submit comments regarding this document during the public comment period. Comments will be accepted until **5 p.m. on April 7, 2017**. Regardless of when they were sent, comments received after that time will not be included in the official record.

You may submit public comment in one or more of the following ways:

1. Attend public hearings held in your state or jurisdiction.
2. Refer comments to your state's members on the Atlantic Herring Management Section or Atlantic Herring Advisory Panel, if applicable.
3. Mail, fax, or email written comments to the following address:

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Fax: (703) 842-0741
aharp@asmfc.org (subject line: Draft Addendum I)

If you have any questions please call Ashton Harp at 703.842.0740.

Commission's Process and Timeline

October 2016	Atlantic Herring Section Tasks PDT to Develop Draft Addendum I
Nov 2016 - Jan 2017	PDT Develops Draft Addendum I for Public Comment
February 2017	Atlantic Herring Section Reviews Draft Addendum I and Considers Its Approval for Public Comment
Feb 8 - April 7, 2017	Section Solicits Public Comment and States Conduct Public Hearings
May 2017	Section Reviews Public Comment, Selects Management Options and Considers Final Approval of Addendum I
TBD	Provisions of Addendum I are Implemented

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1. Introduction

The Atlantic States Marine Fisheries Commission (ASMFC) is responsible for managing Atlantic Herring (*Clupea harengus*), under the authority of the Atlantic Coastal Fisheries Cooperative Management Act (ACFMA). The U.S. Atlantic herring fishery is currently managed as a single stock through complementary fishery management plans (FMPs) by ASMFC and the New England Fishery Management Council (NEFMC). ASMFC has coordinated interstate management of Atlantic herring in state waters (0-3 miles) since 1993. Management authority in the exclusive economic zone (EEZ, 3-200 miles from shore) lies with the NEFMC and National Marine Fisheries Service (NMFS).

The stockwide annual catch limit (ACL) is divided amongst four distinct management areas: inshore Gulf of Maine (Area 1A), offshore Gulf of Maine (Area 1B), Southern New England/Mid-Atlantic (Area 2), and Georges Bank (Area 3). The Area 1A fishery is managed by ASMFC's Atlantic Herring Section (Section), which includes representatives from Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York and New Jersey.

The Section meets annually to distribute the Area 1A sub-ACL seasonally and determine the amount of landing days per week—these are the primary effort controls in the Area 1A fishery. Since 2009, the Section has split the Area 1A sub-ACL into trimesters (Table 1).

Table 1. Current seasonal quota allocation of the Area 1A sub-ACL

Trimester 1	January 1 - May 31	0% ¹
Trimester 2	June 1 – September 30	72.8%
Trimester 3	October 1 – December 31	27.2%

At its October 2016 meeting, the Section initiated Draft Addendum I to Amendment 3 of the Atlantic Herring FMP to consider alternative management measures in order to improve the performance of the Area 1A fishery. The proposed effort controls are designed to control the rate of Area 1A catch so the seasonal quota can be spread throughout the entirety of a trimester, specifically Trimester 2. Prior to each trimester, Section members from states adjacent to Area 1A (Maine, New Hampshire and Massachusetts), with input from stakeholders, have met to set the number of consecutive landings days per week via a Days Out Meeting. Fishery managers adapt these measures each year to provide herring between June and December, when demand for lobster bait is high and fishermen can sell their herring catch for premium value.

¹ NMFS set a seasonal Area 1A sub-ACL division of 0% from January-May in the 2013-2015 and 2016-2018 specifications.

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2. Overview

2.1 Statement of the Problem

The Area 1A sub-ACL is divided seasonally to meet the needs of the fishery and the bait market. The majority of the sub-ACL is allocated to the months of June – September (Trimester 2) when demand for lobster bait is highest. During the last two fishing years, the Area 1A Trimester 2 fishery has harvested herring at a rate that if left unrestricted would exceed the seasonal quota in weeks, not months. This increase in Area 1A fishing effort and vessel capacity is in reaction to a significant decrease of readily available herring in Area 3. Area 3 herring fishermen have reported finding some Atlantic herring schools, but in deep waters and intermixed with haddock schools.

The Atlantic Herring Section has attempted to spread the Trimester 2 quota throughout each season utilizing a series of in-season, reactive days out management measures on behalf of the Commission. Given the evolving nature of the fishery these efforts have proved to be ineffective. In 2016, the state of Maine implemented measures that were more restrictive than those of the Commission. The intent of this addendum is to develop additional measures that ensure the seasonal quota is spread throughout the entirety of Trimester 2, are consistent between the states, and address excessive capacity.

2.2 Background

2.2.1 Area 1A Effort Controls

Effort controls are the primary focus of this addendum. The historical and current effort controls are summarized below.

History of Area 1A Effort Controls

The days out management measures, first implemented in 1999 via Amendment 1 to the Atlantic Herring FMP, established fixed days out of the fishery relative to harvest levels. It was called a ‘day out’ because a vessel could not land or fish on the designated days out. For example, Friday, Saturday and Sunday were no landing/fishing days when 75% of the total allowable catch was expected to be exceeded; at 90%, Monday also became a no landing/fishing day. Amendment 2 (2006) removed the fixed landing days and allowed Section members to decide the specific days out of the fishery, as long as they were consecutive days. Consecutive days are seen as more effective because the fishery has to wait a period of time before resuming fishing efforts.

In the 2007 and 2008 fishing years there was a bait shortage due to a reduced Area 1A quota and increased effort, including an increase in the number of carrier vessels. The Section took action via Addendum I to Amendment 2 (2009) by creating seasonal quotas (bi-monthly periods or trimesters) to control effort and distribute the quota seasonally. In addition, a process to determine days out of the fishery was established, and the prohibition on fishing during a day

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out was removed due to jurisdictional concerns from the ASMFC Law Enforcement Committee (LEC). Specifically a 2009 LEC memo states the vast majority of Area 1A fishing takes place in federal waters where state officers have no authority to enforce ASMFC at-sea fishing restrictions.

Current Area 1A Effort Controls

The Section meets annually to distribute the Area 1A sub-ACL seasonally and determine the amount of landing days per week—these are the primary effort controls in the Area 1A fishery. Since 2009, the Section has split the Area 1A sub-ACL into trimesters (Table 1). The majority (72.8%) of the Area 1A sub-ACL has been allocated during the months of June through September (Trimester 2). This time period largely overlaps with the peak months for lobster landings (Figure 1), where herring is the most widely used bait type.

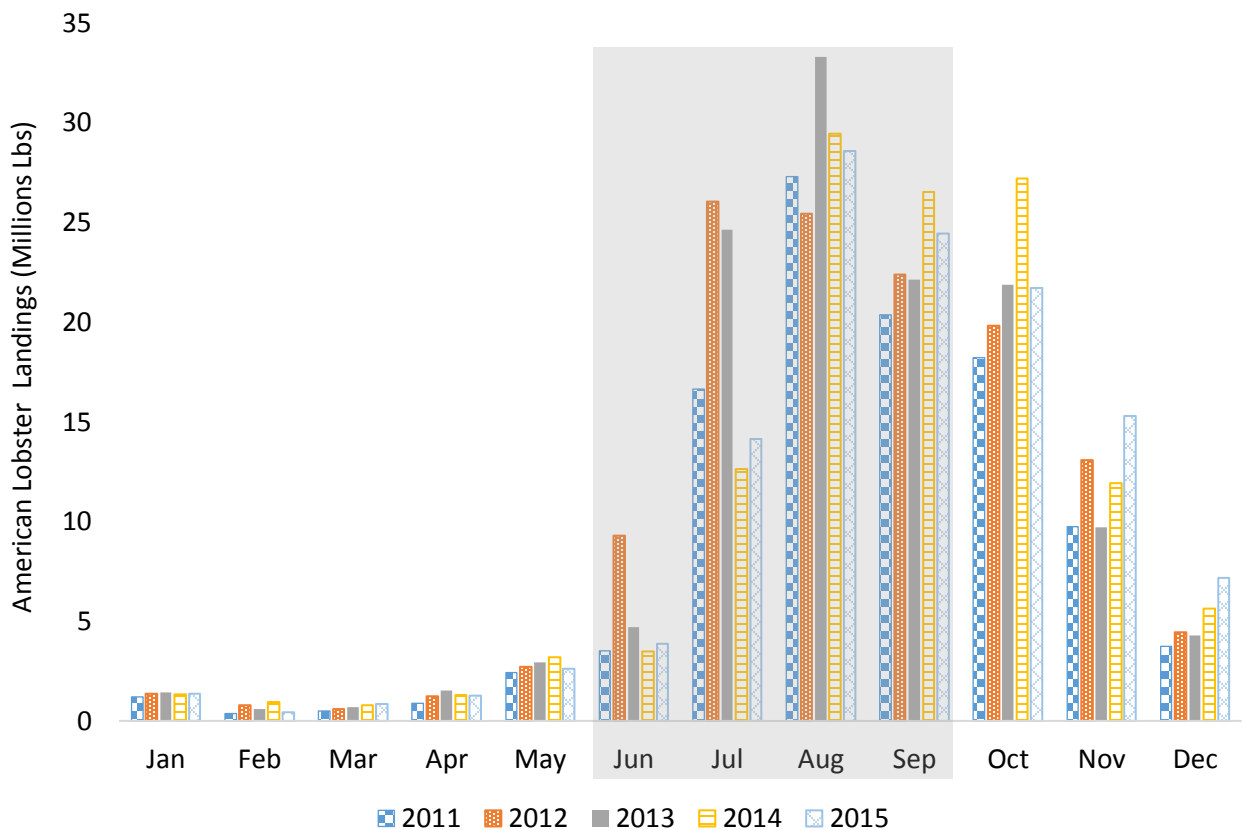


Figure 1. Monthly landings of American lobster in Maine (2011-2015). The months within Trimester 2 of the Atlantic Herring Area 1A fishery are shaded in grey. Source: ACCSP

Table 2 shows the historical landing days during Trimester 2 of the Area 1A fishery. At the start of the season, managers make planned landing day adjustments based on fishery performance from previous years. At times, managers have to make reactionary changes in-season to increase or decrease the landings days based on the amount of seasonal quota available.

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Table 2. Area 1A landing days during Trimester 2 (2011-2016)

Year	Trimester 2	Landing Days	Comments
2011	June 1 – June 26	2	3 in-season planned changes; 1 reactionary
2011	June 27 – July 17	3	
2011	July 18 – Aug 7	4	
2011	Aug 8 – Sept 30 (<i>reactionary</i>)	7	
2012	June 1 - 30	2	3 in-season planned changes
2012	July 1 – 14	4	
2012	July 15 – Sept 30	7	
2013	June 1 – Sept 8	7	1 reactionary in-season change
2013	Sept 9 – 30 (<i>reactionary</i>)	0	
2014	June 1 – July 6	5	1 reactionary in-season change
2014	July 7 – Sept 30 (<i>reactionary</i>)	7	
2015	June 1- July 5	5	2 in-season planned changes; 1 reactionary
2015	July 6 – Aug 27	7	
2015	Aug 28 – Sept 30 (<i>reactionary</i>)	0	
2016	June 1 – 30	3	3 in-season planned changes; 2 reactionary
2016	July 1-14	4	
2016	July 15-23	5	
2016	July 24 – Sept 17 (<i>reactionary</i>)	2	
2016	Sept 18 – Sept 30 (<i>reactionary</i>)	0	

In 2011, 2012 and 2014 managers gradually increased the amount of landing days such that Trimester 2 ended with seven landing days to ensure the seasonal quota was harvested. In 2013, the season opened with seven landing days and was restricted to zero landing days at the beginning of September.

In 2015, managers planned to gradually increase the amount of landing days throughout the summer, however due to a surge in August landings the fishery was restricted to zero landing days in September.

In 2016, managers planned to gradually increase the number of landing days during July, however, higher than expected landings in June resulted in landing day restrictions in mid-July and mid-September on behalf of the Commission. Maine’s Department of Marine Resources (DMR) applied additional measures to those vessels landing in Maine, which included a weekly landing limit, fishing day restrictions, transfer at sea restrictions, etc.

For more information on historical Area 1A effort controls and the 2015/2016 fishing season, refer to Harp (2016) white paper.

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2.2.2 Fishing Effort

Landings

Atlantic herring vessels use purse seines, single midwater trawls, midwater pair trawls, small mesh bottom trawls and fixed gear for fishing gear, with the purse seiners harvesting the majority of Area 1A landings in recent years (Table 3a). Vessels using single and paired midwater trawls are prohibited from fishing for Atlantic herring in Area 1A from June 1 – September 30 of each fishing year. Some herring vessels use multiple gear types during the fishing year.

Single and pair trawl vessels generally fish in all areas (October-December in Area 1A), though Areas 1A and 1B account for less of the gear types overall landings in recent years (Table 3c). Bottom otter trawl, which includes small mesh² bottom trawl, has access to the fishery beginning July 15—landings account for less than 1% of Area 1A landings (Table 3a, 3b). In New Hampshire, small mesh bottom trawl vessels generally target whiting, herring is considered a secondary species and targeted if there are available landing days and a market.

Table 3a. Overall Atlantic herring landings (mt) by fishing gear type and year in Area 1A.

Source: ACCSP

Gear Type	2012	2013	2014	2015	% of overall total landings
Bottom Otter Trawl	356	106	100	117	1%
Single Midwater Trawl	270	998	1,164	2,224	4%
Midwater Pair Trawl	3,716	5,504	4,534	4,155	15%
Purse Seine	19,191	23,125	27,151	23,007	80%
Other	4	8	10	28	0%
Total	23,546	29,741	32,957	29,531	

² Small mesh is defined as smaller than 6.5" square or diamond mesh in the cod end of the net.

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Table 3b. Trimester 2 (June – September) Atlantic herring landings (mt) by fishing gear type and year in Area 1A. Source: ACCSP

Gear Type	2012	2013	2014	2015	% of overall total landings
Bottom Otter Trawl	347	95	89	107	0.8%
Single Midwater Trawl	0	0	0	0	0%
Midwater Pair Trawl	0	0	0	0	0%
Purse Seine	17,524	19,984	22,665	20,275	99%
Other	4	7	8	28	0.05%
Total	17,875	20,087	22,762	20,409	

Table 3c. Trimester 3 (October - December) Atlantic herring landings (mt) by fishing gear type and year in Area 1A. Source: ACCSP

Gear Type	2012	2013	2014	2015	% of overall total landings
Bottom Otter Trawl	9	9	10	10	0%
Single Midwater Trawl	270	998	1,083	2,224	14%
Midwater Pair Trawl	3,703	4,992	4,534	4,155	51%
Purse Seine	1,624	3,132	4,359	2,733	35%
Other	0	0	0	0	0%
Total	5,607	9,130	9,986	9,121	

Number of Vessels

In 2016, there were two additional purse seine vessels directing on Atlantic herring when compared to 2015 (4a-c, 5a-b). As a high volume fishery, two additional vessels greatly increases the capacity of the fishery. The following tables illustrate the number of vessels in Area 1A by gear type (4a-c) and the number of vessels directing on herring by federal permit category (5a-b).

In Area 1A from June to September, the overall number of active permits has generally declined, with a small increase in 2016 (Figure 2). The Area 1A sub-ACL has been approximately 30,000 metric tons during this time period, therefore the total removals by permit is increasing, due to a decreasing trend in participation. Given the change in price per pound (Figure 3), this translates into a larger ex-vessel revenue per permit. In 2013, average revenue was \$600,000 per permit, compared to \$1.4 million per permit in 2016.

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Table 4a. Total number of active herring vessels by gear type in Area 1A.

Gear Type	2012	2013	2014	2015	2016¹	Trends
Bottom Otter Trawl	30	19	18	15	13	Decreasing
Midwater Trawl	9	10	9	11	7	Fluctuating, recent decrease
Purse Seine	8	8	6	5	7	Fluctuating, recent increase
Other	48	31	42	39	20	Decreasing

¹ 2016 data are preliminary

Table 4b. Number of active herring vessels by gear type in Area 1A during Trimester 2.

Gear Type	2012	2013	2014	2015	2016¹
Bottom Otter Trawl	29	18	15	12	11
Midwater Trawl	0	0	0	0	0
Purse Seine	8	8	6	5	7
Other	18	13	22	23	17

¹ 2016 data are preliminary

Table 4c. Number of active herring vessels by gear type in Area 1A during Trimester 3.

Gear Type	2012	2013	2014	2015	2016¹
Bottom Otter Trawl	5	6	4	5	6
Midwater Trawl	9	10	9	11	7
Purse Seine	5	7	5	5	4
Other	3	4	10	6	5

¹ 2016 data are preliminary

Table 5a. Active¹ Herring Vessels by Federal Permit Category and Gear Type, Permit Year 2015 (May-Apr)

Permit Category	Purse Seine	Other²	Midwater Trawl	Bottom Trawl
A and BC	5		14	7
C				11
D and DE		25		38

Source: GARFO Permit and DMIS database as of 2017-01-03

¹Permit active if reporting greater than 1 pound of Atlantic herring between May 1, 2015 and April 30, 2016

²Other gear types include hand, gillnet, trap, etc.

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Table 5b. Active¹ Herring Vessels by Federal Permit Category and Gear Type, Permit Year 2016³ (May-Dec), Preliminary Data

Permit Category	Purse Seine	Other ²	Midwater Trawl	Bottom Trawl
A and BC	7		14	7
C				9
D and DE		16		26

Source: GARFO Permit and DMIS database as of 2017-01-12

¹Permit active if reporting greater than 1 pound of Atlantic herring between May 1, 2016 and December 31, 2016

²Other gear types include hand, gillnet, trap, etc.

³ 2016 data are preliminary

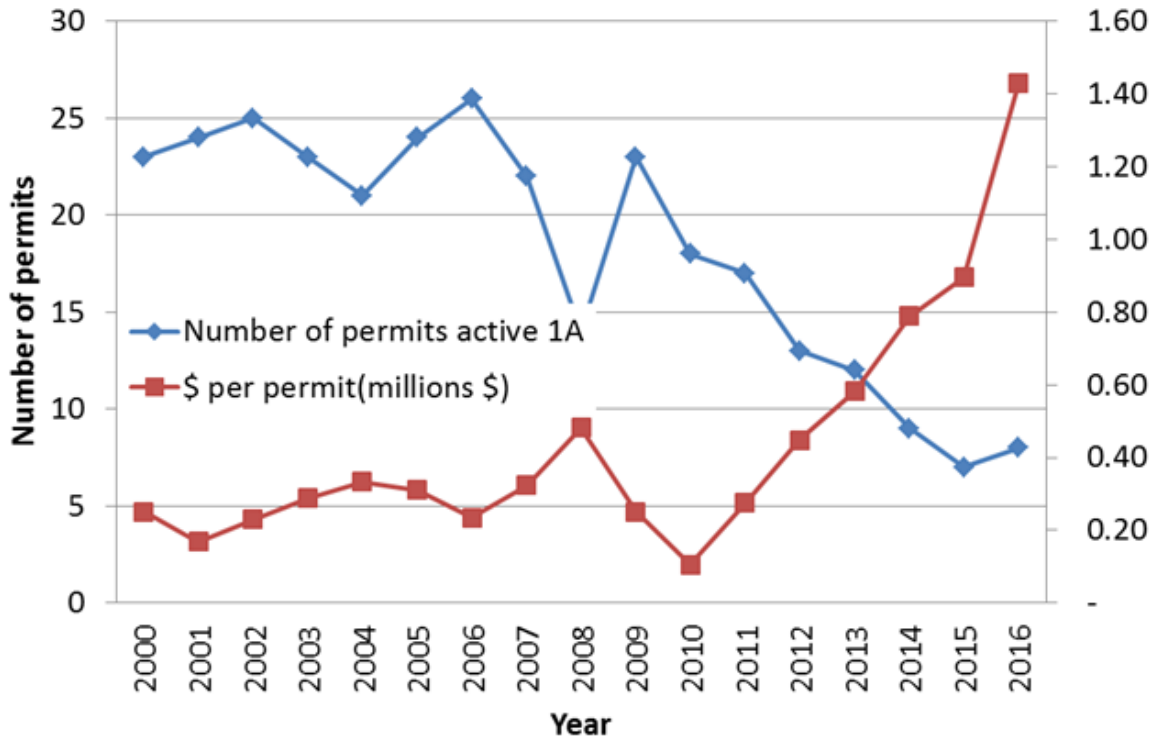


Figure 2. Number of active permits and average total revenue (average catch times average price/lbs summed) in Area 1A, June through September by year. The data was queried to include the number of active permits that harvested >6,600 lbs to represent the directed fishery.

2.2.3 Market

During June through October of the 2012-2015 fishing season, the average price of herring per metric ton in Area 1A was slightly more than \$300. In 2016, the per metric ton price peaked at approximately \$600 (Figure 3). As described in Section 2.2.1 and in a herring white paper (Harp, 2016), the 2016 Area 1A Atlantic herring fishing season opened in June to almost double the projected landings. For example, three weeks into June the fishery was projected to have harvested 1,300 mt, however 2,837 mt³ had been harvested. Similar to 2015 but earlier in the season, Area 3 landings became stagnant and Area 1A landings increased

The supply of herring to the bait market during June – October has traditionally come from harvest in Area 1A and 3, collectively these areas comprise more than half of the Atlantic herring annual catch limit. During June-August 2016, the primary source of Atlantic herring landings was from Area 1A only, however, the demand for herring in the summer months exceeds the allowable Area 1A catch limit. The shortage of herring throughout the summer months, when demand is highest, resulted in a two-fold increase in the average price per metric ton.

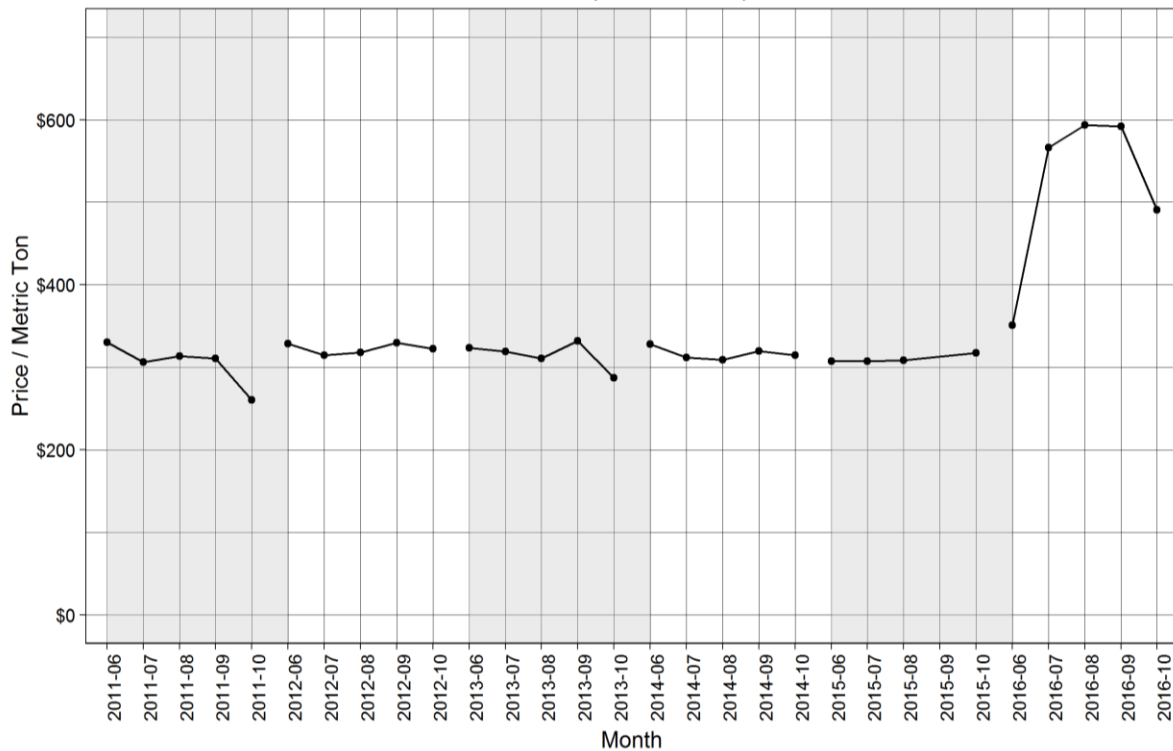


Figure 3. Atlantic Herring Area 1A Monthly Average Price per Metric Ton, June-October 2011-2016 (2010 dollars). Source: NMFS

³ Preliminary landings data

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2.2.3 Carrier Vessels and Transfers at Sea

Federal rules specify a carrier vessel is a vessel that has received herring from another vessel and will not report that catch as its own on its Federal Vessel Trip Report. A carrier vessel can have no gear on board capable of catching or processing fish and it cannot transport species other than herring or groundfish. A harvester vessel is a vessel that is required to report the catch it has aboard as the harvesting vessel on its Federal Vessel Trip Report.

Amendment 5 to the Federal Herring FMP, effective March 2014, provided more flexibility to vessels engaging in carrying activities. Prior to 2014, a vessel could become a carrier vessel if it had a letter of authorization (LOA) from the Regional Administrator. The LOA required a minimum 7-day enrollment period (i.e. time to process and issue the LOA) during such time the vessel could only act as a herring carrier, it could not fish for any species or transport species other than herring or groundfish. After 2014, a vessel can declare what activity it will be engaging in on a trip-by-trip basis (via VMS) rather than being required to remain in one activity for a week at a time.

Amendment 5 also established an At-Sea Herring Dealer Permit. If a carrier vessel intends to sell herring, instead of solely transporting herring to the dock, then a Federal At-Sea Herring Dealer Permit is required. In 2016, 5 permits were issued to carrier vessels, compared to 1 in 2015 (Table 6).

Table 6. Issued Atlantic Herring At-Sea Dealer Permits, 2012-2016 (Jan-Dec)

	2012	2013	2014¹	2015¹	2016¹
At-Sea Atlantic Herring Dealer Permit	NA	NA	0	1	5

Source: GARFO Permit database as of 2016-12-28

¹Atlantic herring at-sea dealer permits were implemented in Amendment 5 effective March, 2014

Amendment 5 to the Federal Herring FMP eliminated VTR reporting requirements for carrier vessels starting in 2014, therefore the number of carrier vessels and trips from 2014-2016 (Table 7) are incomplete and represent minimal amounts. Given these data constraints, the following are the minimum values for carrier activity in 2016; Area 1A had 3 carrier vessels that made 37 trips. In 2013, the last year carrier vessels were required to report activity on VTRs, there were 8 carrier vessels that made 110 trips—the fishery moved to zero landing days on September 9, 2013.

Dockside reports indicate vessels are harvesting herring on days out of the fishery and transferring harvest at-sea to carrier or larger harvester vessels until landing is permitted. The practice of fishing beyond the days that are open to landing is rendering the days out program less effective in controlling the rate of harvest.

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Table 7. Herring Carrier and Transfer and Receive at-Sea Vessels, 2012-2016 (May-Apr)

		2012	2013	2014 ⁴	2015 ⁴	2016 ⁴
All Management Areas	# of Potential Herring Carrier Vessels¹	16	19	22	19	19
	# of Herring Carrier Vessels that Harvested Herring¹	6	8	10	9	7
	Vessels with Transfer and Receive LOA³	44	42	39	35	44
Area 1A	Vessels Acting as a Carrier in Area 1A²	4	8	7	3	3
	Area 1A Herring Carrier Trips²	84	110	59	41	37

Source: GARFO Permit and VTR database as of 12/28/2016

¹Herring carrier vessels identified by Herring Carrier LOA issuance prior to 2014, or combination of LOA issuance and VMS declaration for 2014 and beyond that reported herring harvest on VTRs.

²Herring Area 1A activity determined by carrier trips NOT landing in NJ and NOT reporting menhaden species

³Transfer and Receive LOAs allow for transferring OR receiving herring at sea

⁴The implementation of Amendment 5 in March, 2014 eliminated VTR reporting requirements on carrier trips, precluding accurate activity counts for 2014-2016. However, some vessels continued to provide VTRs for carrier trips during these years, which are reflected above. It is important to remember the 2014-2016 activity counts are incomplete and represent minimum amounts.

2.2.5 Permits (Federal and State)

The majority of options under each management alternative are linked to federal permit categories; therefore the following summarizes categories and respective reporting requirements.

Federal Permit Categories to Harvest Herring

The vast majority of vessels in the Atlantic Herring Area 1A fishery are federally-permitted because Area 1A includes state and federal waters. The Federal Herring FMP established limited and open access programs in the herring fishery. There are five permit categories: 1) limited access permit for all management areas (Category A)⁴; 2) limited access permit for access to Areas 2 and 3 only (Category B); 3) limited access incidental catch permit for 25 mt per trip (Category C); 4) an open access incidental catch permit for 3 mt per trip (Category D); and 5) an open access incidental catch permit for 9 mt in Areas 2 and 3 only (Category E). Category B and

⁴ A vessel is eligible for an All Areas Limited Access Herring Permit (Category A) if it meets the history and landings criteria. To meet the history criteria the vessel must have been issued a Federal herring permit that was valid as of November 10, 2005. To meet the landings requirements the vessel and/or any vessel it replaced must have landed at least 500 mt of herring in any one calendar year between January 1, 1993, and December 31, 2003, as verified by dealer reports submitted to NMFS.

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E permitted vessels cannot fish in Area 1A and are not included in this addendum. Category A vessels comprise the majority of the directed Atlantic herring fishery in Area 1A (Table 8).

The following summarizes reporting requirements⁵ by permit category: limited access herring vessels are required to report herring catch daily via vessel monitoring systems (VMS), open access herring vessels are required to report catch weekly via the interactive voice response (IVR) system, and all herring-permitted vessels are required to submit vessel trip reports (VTRs) weekly. In addition, vessels⁶ must submit VMS pre-trip and pre-landing notifications, as well as a gear declaration. VTRs, in combination with observer data, are used in herring stock assessments, while a combination of dealer data, VTR, VMS, and observer data are used to track catch against herring annual catch limits and catch caps in the herring fishery

Table 8. Area 1A catch (metric tons) by federally-permitted vessels, 2012-2015

Permit Category		2012	2013	2014	2015
Limited Access	A	22,703	29,430	32,848	29,386
	C	668	263	39	77
Open Access	D	173	42	63	54

Since 2012, the number of vessels with a Category C or D permit have decreased annually and the number of vessels with a Category A permits have fluctuated (Table 9). In 2016, there were 22 active Category A vessels and 17 latent permits (Table 9).

Table 9. Fishing vessels with federal Atlantic herring permits, 2012-2016 (May-April).

Permit Category		2012	2013	2014	2015	2016 ¹
Limited Access	A	42 (57.1%)	39 (66.7%)	40 (62.5%)	42 (50%)	39 (56.4%)
	C	47 (31.9%)	44 (29.5%)	42 (23.8%)	41 (26.8%)	40 (22.5%)
Open Access	D	2,065 (3.5%)	1,957 (3.3%)	1,838 (3.6%)	1,762 (3.4%)	1,684 (2.5%)

Source: GARFO Permit database and DMIS as of 2016-12-23

is the total number of issued permits; () is the percentage that are active meaning they landed herring within that year.

¹ 2016 data are incomplete

⁵ As of 76 FR 54385; September 2011

⁶ All limited access herring vessels and vessels issued an Areas 2/3 Open Access Permit

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State Permits

The following provides an overview of state licenses/permits to take, land or sell herring by state (Table 10).

In Maine, all harvesters who catch 2,000 pounds or more Atlantic herring in any given week must possess an *IVR Herring Harvester Permit* on their *Commercial Pelagic and Anadromous Fishing License* issued by the Department of Marine Resources. In Maine waters, a harvester can only use purse seine or fixed gear to harvest herring.

In New Hampshire, a *Commercial Saltwater License* is required for the landing, sale and transport of marine species including, but not limited to, herring. Licenses are issued for the calendar year on an annual basis to the individual. A *Sea Herring Possession Permit* is required for the taking or landing of herring. Permits are issued for the calendar year on an annual basis to the individual or organization. In New Hampshire waters, the use of mobile gear (including purse seine and trawl) to catch finfish is prohibited.

In Massachusetts, all persons who land and sell fish (or any other living marine resources) in Massachusetts must have a *Commercial Fishing Permit* from the Division of Marine Fisheries. In addition, commercial fishermen who intend to land Atlantic herring must also obtain a *Sea Herring Endorsement* on their permit. While there is currently no limit to the number of commercial fishing permits or herring endorsements issued each year, a separate limited-entry *Coastal Access Permit* (CAP) is required to fish with trawl gear inside Massachusetts state waters, which also limits the maximum size of these vessels to 72 feet. This vessel size restriction, combined with a statewide minimum mesh size of 6 ½ inches, effectively prevents herring fishing in Massachusetts waters via midwater trawl or purse seine.

Table 10. Overview of permits to take, land, or sell herring by state

State	Permit Type	# of Permits	
		2015	2016
Maine	Herring Landing Permit	182	225
New Hampshire	Sea Herring Possession Permit	3	2
Massachusetts	Sea Herring Endorsement	175	180

Table 11. Number of herring harvesters with a state permit only (i.e., no federal permit), 2015

State	2015
Maine	121
New Hampshire	0
Massachusetts	NA

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3. Management Alternatives

At the October 2016 meeting, the Section proposed management alternatives for further consideration by the Atlantic Herring Plan Development Team (PDT). The PDT developed options for six management alternatives (Table 12) that could improve the stability of the fishery and stabilize the rate of harvest during the fishing season. The adoption of all six may not be necessary.

Table 12. Overview of Management Alternatives

Management Alternatives	May Require NMFS Involvement	May Require ACCSP Involvement
1. Implement State Vessel Landing Reports	•	•
2. Prohibit Landings of Herring Caught in Area 1A During a Day Out of the Fishery	•	
3. Weekly Landing Limit Per Vessel		
4. Landing Restrictions on Transfers At-Sea	•	•
5. Small-Mesh Bottom Trawl Fleet Days Out		
6. Clarify Days Out Procedure		

3.1 Alternatives Developed by the PDT

3.1.1 Harvester Reporting Requirements

States adjacent to Area 1A have monitored catch rates via a weekly landing report released by GARFO. Option B requires additional reporting on behalf of harvesters so states may have timelier reporting. Under Option B all harvesters would have to complete a state landing report (to be developed), in addition to federal reports. The complexity of the reporting system will depend on the other options chosen in this document. Additional time may be required to work with ACCSP to implement this option via eTrips. Full implementation may not be possible prior to the 2017 fishing season. The option also incorporates the existing federal reporting requirements into the interstate FMP.

Alternatively, if specific state representatives are granted access to the NOAA VMS pre-landing reports then additional state landing reports on behalf of harvesters would not be necessary. The Commission will send a letter to the National Marine Fisheries Service requesting access to VMS pre-landing reports.

This alternative proposes to modify “Timely Reporting of State Landings” in Section 4.2.5 of the Atlantic Herring FMP.

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Option A: Status Quo

States are required to implement weekly reporting by all non-federally permitted fishermen on Atlantic herring (including mobile and fixed gear).

Option B: Implement State Landing Report

If a vessel lands herring caught from Area 1A in a Maine, New Hampshire or Massachusetts port then the harvester must submit a state landing report. The state landing report is in addition to the federal reporting requirements. The reports must be submitted in 24-hr intervals for each day and must be submitted by 9:00 a.m. of the following day.

States will develop the format for the state landing report and the reporting system to aggregate the data. Data will be uploaded into ACCSP to ensure landings are not double-counted and confidentiality rules are upheld. The state vessel landing reports will be used to monitor the seasonal quota, transfers at sea and potentially the vessel weekly landing limits.

As specified in the federal Herring FMP, vessels with limited access herring permits must report catch (retained and discarded) of herring daily via VMS, unless granted an exemption. Daily Atlantic herring VMS catch reports must be submitted in 24-hr intervals for each day and must be submitted by 9:00 a.m. of the following day. Reports are required even if herring caught that day has not yet been landed.

In addition, an owner or operator of any vessel issued an open access permit for Atlantic herring that catches $\geq 2,000$ lb (907.2 kg) of Atlantic herring on any trip in a week must submit an Atlantic herring catch report via the IVR system for that week. The IVR reporting week begins on Sunday at 12:01 AM local time and ends Saturday at 12 midnight. Weekly Atlantic herring catch reports must be submitted via the IVR system by midnight, Eastern Time, each Tuesday for the previous week. Reports are required even if herring caught during the week has not yet been landed.

State law enforcement officials can report non-compliance with state and federal reporting requirements to the appropriate authorities.

3.1.2 Prohibit Landings of Herring Caught in Area 1A During a Day Out of the Fishery

Similar to the current spawning closures, vessels with a Category A Limited Access Permit or all harvesters, depending on the option, would be prohibited from landing herring caught from Area 1A on a day out of the fishery.

This alternative proposes to replace “Days Out” in Section 4.2.4.2 of the Atlantic Herring FMP.

Option A: Status Quo

Harvesters are prohibited from landing herring during a ‘day out’. In addition, vessels may only land once per calendar day on any day that is open to landing (not a ‘day out’).

Draft Addendum I for Public Comment

Vessels with an Atlantic herring permit are not prohibited from participating in other fisheries for other species in restricted areas during days out of the Atlantic herring fishery. Landing of herring taken from management areas without 'days out' restrictions will be allowed on 'days out' in Area 1A. Any vessel transiting an area closed to fishing with legally caught herring on board must have its fishing gear stowed.

During a 'day out', vessels participating in other fisheries may land an incidental catch of herring that does not exceed 2,000 pounds per trip. Vessels may not land more than 2,000 pounds of herring per day caught in an area closed to the directed herring fishing. Vessels transiting a closed area with more than 2,000 pounds of legally caught herring on board must have all seine and trawl gear stowed.

Fixed gear fishermen may remove and land herring from the gear (weirs and stop seines) on the days designated as a 'day out' of the fishery.

Option B: Modified Days Out Restrictions for Harvesters

Harvesters are prohibited from landing or possessing herring caught from Area 1A during a day out of the fishery. In addition, vessels may only land once per calendar day on any day that is open to landing (i.e., not a 'day out').

Vessels are not prohibited from participating in other fisheries for other species in restricted areas during days out of the Atlantic herring fishery. Landing of herring taken from management areas without days out restrictions will be allowed on days out in Area 1A. Any vessel transiting an area closed to fishing with legally caught herring on board must have its fishing gear stowed.

During a day out, vessels participating in other fisheries may land an incidental catch of herring that does not exceed 2,000 pounds per trip. Vessels may not land more than 2,000 pounds of herring per day caught in an area closed to the directed herring fishing. Vessels transiting a closed area with more than 2,000 pounds of legally caught herring on board must have all seine and trawl gear stowed.

Fixed gear fishermen may remove and land herring from the gear (weirs and stop seines) on the days designated as a day out of the fishery.

Option C: Days Out Restrictions for Vessels with a Category A Limited Access Herring Permit

Vessels with a Category A Limited Access Permit are prohibited from landing or possessing herring caught from Area 1A during a day out of the fishery. Vessels with a Category A Limited Access Permit may land once per calendar day on any day that is open to landing (i.e., not a 'day out').

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Vessels with a Category A Limited Access Permit are not prohibited from participating in other fisheries for other species in restricted areas during days out of the Atlantic herring fishery. Landing of herring taken from management areas without days out restrictions will be allowed on days out in Area 1A. Category A vessels transiting a closed area with more than 2,000 pounds of legally caught herring on board must have all seine and trawl gear stowed.

During a day out, vessels with a Category A Limited Access Permit participating in other fisheries may land an incidental catch of herring that does not exceed 2,000 pounds per trip. Vessels with a Category A Limited Access Permit may not land more than 2,000 pounds of herring per day caught in an area closed to the directed herring fishing. Vessels transiting a closed area with more than 2,000 pounds of legally caught herring on board must have all seine and trawl gear stowed.

Vessels with a Category C Limited Access Permit or a Category D Open Access Herring Permit may land on a day designated as a day out of the fishery. In addition, fixed gear fishermen may remove and land herring from the gear (weirs and stop seines) on the days designated as a day out of the fishery.

3.1.3 Weekly Landing Limit Per Vessel (Pounds)

The PDT expects a weekly landing limit, in addition to timelier landing reports (see Section 3.1.1), will stabilize the rate of landings in the fishery. However, weekly landing limits could increase the probability for slippage and discards given the large volume of fish captured in each set. States will need to develop a system for harvesters to declare into the Area 1A fishery. Additional staff time will be required to track landings by individual vessel and adjust the weekly landing limit based on the amount of vessels fishing in a given week. If more vessels declare intent to participate in this fishery than actually go fishing, the weekly landing limit per vessel could be overly restrictive and result in an underutilization of the Trimester 2 quota. Access to data, as described under Alternative 1 (State Landing Report), is required to enforce weekly landing limits.

Under Option B, vessels with a Category C Limited Access Permit are not restricted by an ASMFC weekly harvester landing limit. Category C vessels are restricted, as a condition of the federal permit, to catching 55,000 lbs of herring per day (385,000 lbs per week). Landings by a Category C vessel in the last 5 years have not exceeded 700 mt, in 2015 Category C vessels landed 77 mt from 11 vessels. In comparison to Option B, Option C would require additional staff time to monitor Category C landings, which comprise less than 1 percent of Area 1A landings.

This alternative proposes to create “Weekly Landing Limit” under Section 4.2.4 Effort Controls in the Atlantic Herring FMP.

Option A: Status Quo

No weekly landing limits.

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Option B: Weekly Harvester Landing Limit for Vessels with a Category A Limited Access Permit

Vessels with a Category A Limited Access Permit that land herring caught in Area 1A are subject to a weekly harvester landing limit (pounds) during Trimester 2 (June-September). Vessels landing in Maine, New Hampshire and Massachusetts are subject to the same weekly landing limit, regardless of port state.

Section members from Maine, New Hampshire and Massachusetts will meet in-person or conference call prior to the start of the fishing season to agree upon the weekly landing limit based on the number of participants in the fishery and the Trimester 2 seasonal quota. Harvesters are required to notify states of their intent to fish in Area 1A and the gear type they will be using at least 45 days prior to the start of the fishing season. If more vessels declare intent to participate in the fishery than actually go fishing, the weekly landing limit per vessel could be overly restrictive and result in an underutilization of the Trimester 2 quota. During the fishing season, states will agree on changes to the weekly landing limit, as necessary. ASMFC will publish the initial weekly landing limit and adjustments thereafter.

Vessels with a Category A Limited Access Permit are limited to one landing per 24-hour period. Harvester vessels must notify states according to state-specific protocol prior to landing. While the start time for the weekly landing limit restriction may vary by state, the states must implement the same landing restriction for the same consecutive days each week.

Option C: Weekly Harvester Landing Limit for Vessels with a Category A or C Permit

Vessels with a Category A or C Limited Access Permit landing herring caught in Area 1A are subject to a weekly harvester landing limit (pounds) during Trimester 2 (June-September). Vessels landing in Maine, New Hampshire and Massachusetts are subject to the same weekly landing limit, regardless of port state.

Section members from Maine, New Hampshire and Massachusetts will meet in-person or conference call prior to the start of the fishing season to agree upon the weekly landing limit based on the number of participants in the fishery and the Trimester 2 seasonal quota. Harvesters are required to notify states of their intent to fish in Area 1A and the gear type they will be using at least 45 days prior to the start of the fishing season. If more vessels declare intent to participate in the fishery than actually go fishing, the weekly landing limit per vessel could be overly restrictive and result in an underutilization of the Trimester 2 quota. During the fishing season states will agree upon changes to the weekly landing limit, as necessary. ASMFC will publish the initial weekly landing limit and adjustments thereafter.

Vessels with a Category A or C Limited Access Permit are limited to one landing per 24-hour period. Harvester vessels must notify states according to state-specific protocol prior to landing. While the start time for the weekly landing limit restriction may vary by state, the states must implement the same landing restriction for the same consecutive days each week.

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3.1.4 Landing Restriction on Transfers At-Sea

Option B would likely have significant economic impacts on vessels that operate solely as carrier vessels because they would no longer be allowed to participate in the Area 1A fishery. The PDT has concerns with the traceability of Option C because carrier vessels do not report catch on its Federal Vessel Trip Reports. Option C would require New Hampshire and Massachusetts to develop a reporting mechanism for harvesters to report transfers at sea and/or develop a carrier permit.

This alternative proposes to create “Landing Restriction on Transfers At-Sea” under Section 4.2 of the Atlantic Herring FMP.

Option A: Status Quo

A vessel with the proper permits can transfer or receive Atlantic herring at-sea.

Option B: Herring Caught In Area 1A Can Only Be Landed by the Respective Harvester Vessel

The vessel that catches herring (harvester vessel) is responsible for reporting all catch it has aboard. Harvester vessels are the only vessels that can land herring caught within Area 1A to a Maine, New Hampshire or Massachusetts port. A harvester vessel can only land the amount of herring from Area 1A that is reported on its respective Federal Vessel Trip Report.

Option C: Herring Carrier Vessels are Limited to Receiving At-Sea Transfers from One Harvester Vessel Per Week and Landing Once Per 24-Hour Period

All carrier vessels landing herring caught in Area 1A to a Maine, New Hampshire or Massachusetts port are limited to receiving at-sea transfers from one harvester vessel per week. All carrier vessels landing herring caught in Area 1A in any Maine, New Hampshire or Massachusetts port are limited to making one landing per 24 hour period.

A carrier vessel is a vessel that has received herring from another vessel and will not report that catch as its own on its Federal Vessel Trip Report. A carrier vessel can have no gear on board capable of catching or processing fish and it cannot transport species other than herring or groundfish. A harvester vessel is a vessel that is required to report the catch it has aboard as the harvesting vessel on the Federal Vessel Trip Report.

3.1.5 Small Mesh Bottom Trawl (SMBT) Fleet Days Out

The SMBT fleet harvests less than 1% of the Area 1A sub-ACL—access coincides with the July 15th opening of the Small Mesh Exempt Area 1. Due to size and hold capacity, the SMBT fleet can only fish on designated landing days, whereas the midwater trawl and purse seine fleets can fish on non-landing days and retain catch or transfer to a carrier vessel to be landed on a subsequent landing day.

The SMBT fleet has expressed interest in targeting herring for the recreational bait market over the weekend, however early week landing days are preferred by the large volume markets of

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the commercial bait industry. This alternative acknowledges current fishing practices and allows the SMBT fleet to have differential days out measures.

PDT notes there is no SMBT permit, therefore, this option requires state to develop a method for SMBT harvesters directing on herring to annually declare into the fishery. It also requires additional monitoring requirements on behalf of state agencies.

This alternative proposes to create “Days Out – Small Mesh Bottom Trawl” under Section 4.2.4 Effort Controls in the Atlantic Herring FMP.

Option A: Status Quo

Days Out program applies to all Atlantic herring harvesters.

Option B: Additional Days Out Program for Small Mesh Bottom Trawl Vessels with a Category C or D Permit

If a vessel meets the following criteria it is eligible for a different allocation of landing days and times that are separate from restrictions in Section 4.2.4.2 Days Out. A vessel must hold 1) a Category C Limited Access Permit or Category D Open Access Permit, and 2) use small mesh bottom trawl gear to harvest herring. To opt into the differential small mesh bottom trawl Days Out program, eligible harvesters must submit a small mesh bottom trawl gear declaration to notify states of their intent to fish in Area 1A with small mesh bottom trawl gear 45 days prior to the start of the fishing season. The annual gear declaration will apply to Trimester 2 (June through September). The process to determine the small mesh bottom trawl days out of the fishery is described under Section 4.2.4.1.

All other herring harvesters that do not meet this criteria must comply with the landing day restrictions under *Section 4.2.4.2 Days Out*. If a Category C vessel switches to non-SMBT gear then that vessel must comply with the landing day restrictions under *Section 4.2.4.2 Days Out*.

3.1.6 Clarification of Days Out Procedure

The proposed measures clarify existing regulations regarding the process to set the number of days out of the fishery. As stated, states have to agree on the number of days out of the fishery, but the type of agreement is not stated (consensus or vote). In addition, the landing day scenario if an agreement is not reached is not stated in the FMP.

Select up to two options under this alternative (B1, B2, or neither) and (C1, C2, or neither).

This alternative proposes to modify “Determination of Days Out” in Section 4.2.4.1 of the Atlantic Herring FMP.

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Option A: Status Quo

To prevent an early closure of a management area or sub-area, 'days out' specifications may be set during the initial meeting between Section members from Maine, New Hampshire, and Massachusetts or can be set at specific 'days out' meetings or conference calls as necessary. The states will annually agree to the start date, the number of 'days out' of the fishery, as well as which consecutive days of the week will have landing restrictions. While the start time for the landing restriction may vary by state, the states must implement the landing restriction for the same consecutive days each week.

If Section members from Maine, New Hampshire, and Massachusetts cannot agree on the specific 'days out', then the matter will go before the full Section for review at the next ASMFC meeting week or at a special meeting of the Section called by the Chairman.

All agreements are final when the meeting is adjourned. Adjustments to 'days out' specifications can only be made if states hold another meeting or conference call and agree on the specification changes.

Options B1: Type of Agreement

Add the following sentences to paragraph 2 under Status Quo.

States of Maine, New Hampshire and Massachusetts will vote on the parameters of the Days Out program. Each state is entitled to one vote.

Options B2: Type of Agreement

Add the following sentence to paragraph 2 under Status Quo.

The parameters of the Days Out program will be established by consensus of the states of Maine, New Hampshire and Massachusetts.

Options C1: Default Landing Day Scenario

Add the following sentences to paragraph 2 under Status Quo.

The default landing day scenario, until an agreement is reached, is the previously agreed upon number of landings days or seven landing days if the number of landing days has not been set for the current fishing season. If the Section acts to close the Area 1A fishery then the allowable landing days are zero.

Options C2: Default Landing Day Scenario

Add the following sentence to paragraph 2 under Status Quo.

The default landing day scenario, until an agreement is reached, is zero (0) landing days. If the Section acts to close the Area 1A fishery then the allowable landing days are zero.

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4. Scoping to Potentially Develop Options for a Future Management Document

This Section is seeking public comment on scoping questions related to a tiered weekly landing limit. Public comment will be considered before any further action is taken on this issue. If the Section requests the PDT to develop options related to this issue then a new management document would be initiated. Regardless of future actions the Section may take, Draft Addendum I will not be affected by the input provided in this Section.

The Section proposed a tiered weekly landing limit alternative for Draft Addendum I. The PDT reviewed this alternative and felt the timeline of Draft Addendum I did not provide an adequate amount of time to develop and analyze alternatives to the degree necessary or provide the opportunity for stakeholders to provide feedback to guide initial development of options. The PDT noted that vessels fishing in Area 1A under a Federal Herring Permit have already met certain historical and landings criteria; and that a tiered weekly landing limit has the potential to negate future fishing opportunities for vessels that have been previously instated by the National Marine Fisheries Service and not historically fished in Area 1A. Additionally the PDT expressed concern that a tiered weekly landing limit program based on historical participation for federal permit holders, that does not simultaneously go through the Council process, would not include an economic impact analysis.

A regional working group meeting was held in January 2017 to discuss these concerns. No decisions have been made on the prospect of a tiered weekly landing limit. Draft Addendum I will not be affected by the input provided.

4.1 Tiered Weekly Landing Limit

The Commission is considering a tiered weekly landing limit management approach for Area 1A. The public is encouraged to submit comments on the scoping questions below to help guide the development of management options if the Section initiates a new addendum or amendment dedicated to this specific issue.

A tiered weekly landing limit would allow vessels to land up to their designated weekly landing limit. Every vessel that declares into the Area 1A fishery would be assigned to a tier with an associated weekly landing limit. A theoretical example: vessels in Tier 1 would be allowed to land X% more than vessels in Tier 2, etc. As described under Alternative 3.1.3, the tiered weekly landing limit would be adjusted based on the available seasonal quota.

Scoping Questions

1. Are you favorable to a tiered weekly landing limit in Area 1A?
2. What should form the basis of a tiered system?
 - a. Permit category
 - b. Vessel size

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- c. Harvester's landing history
 - d. Other, please describe.
3. How many tiers should be created?
 - a. Two
 - b. Three
 - c. Other
4. If the tiers are based on permit category, which permit category should be included in each tier?
5. If the tiers are based on harvester history, what date(s) should differentiate the tiers? Please provide one or more dates.
6. If the tiers are based on vessel size, what size vessel should be included in each tier?
7. Should each tier be designated a portion of the seasonal quota? If so, what percentage. For example: Tier 1: 60%, Tier 2: 40%
8. Should one or more tiers have a maximum allowable harvest per vessel?
9. Other ideas to consider?

5. Compliance Schedule

States must implement Addendum I according to the following schedule to be in compliance with the Atlantic Herring FMP: **TBD**

6. Literature Cited

Harp, A. (2016). *White Paper on Atlantic Herring Area 1A Fishery Performance in 2015 and 2016*. Atlantic States Marine Fisheries Commission.
http://www.asafc.org/uploads/file/58124582AtIHerringArea1AFisheryPerformance_2015_2016.pdf

New England Fishery Management Council (NEFMC). (2013). *Amendment 5 to the Fishery Management Plan for Atlantic Herring*. Draft Supplemental Environmental Impact Statement. Final document submitted March 25, 2013

ATLANTIC STATES MARINE FISHERIES COMMISSION

**ATLANTIC HERRING ADDENDUM I
PUBLIC HEARING MEETING SUMMARY**

Wiscasset, Maine

April 3, 2017

42 Total Participants

Meeting Staff (3): Ashton Harp (ASMFC), Steve Train (ME Governors Appointee), Terry Stockwell (ME DMR)

Meeting participants (39):

Kevin Battle (State Representative, District 33), Robert Alley (State Representative, District 138), Paula Sutton (State Representative)

Daniel Fill (SPRAT Inc / Western Wave), Peter and Julia Mullen (F/V Western Wave), Glenn Robbins (F/V Western Sea), Shaun Rocket (F/V Western Sea), Neil Hessick (F/V Western Sea), Emily Morse (F/V Ruth + Pat), George Richardson (F/V Marcia Ann), Jeff Kaelin (Lund's Fisheries), Larry Roots (F/V Stephanie Marie), Michael Huchins (seiner), Glenn Lawrence (Double Eagle), Ben Banow (Double Eagle), Paul Yoru (F/V Sunlight and F/V Starlight), Steve Wood (F/V Sunlight and F/V Starlight), Corey Prock (F/V Sunlight), Lee Moore (F/V Starlight), Ryan Raber (F/V Providian), Abden Simmons, John Conneely (F/V Ocean Venture), Ben Matthews (F/V Ocean Venture), Dana Hammond II (F/V Nicole Leight), Robert Euglar (F/V Katie + Sarah), Jennie Bichrest (Purse Line), Bimbo Look (Look Lobster Co.), Dixon Smith (MLU), Kim Ervin Tucker (IMLU), Richard Huntley (Lobster Trap), Rob B. (HDR Bait), Brittany Willis (Atwood Lobster), Rich Whitten (Atwood Lobster)

Melissa Smith (ME DMR), James Becker (ME DMR), Pat Keliher (ME DMR), Rene Cloutier (ME LE, Matt Cieri (ME DMR)

SECTION 3: MANAGEMENT ALTERNATIVES

Issue 1: State Vessel Landing Reports

Most participants supported *Option B. Implement State Vessel Landing Reports*. One participant supported Option B, only if access to the VMS pre-trip landing reports is not granted.

Issue 2: Prohibit Landings of Herring Caught in Area 1A During a Day Out of the Fishery

One participant was in favor of *Option C. Days Out Modifications for Category A Vessels Only*. The majority of participants were in favor of *Option A. Status Quo*. Some participants noted that Option B and C would be particularly harmful to small vessels because they are already limited by weather, this would be an additional constraint. One person commented on the negative

impact Option B could have when landing, it would mean most vessels would land at the same time, which is not ideal because some harvesters have to rent charter trucks.

Issue 3: Weekly Landing Limit

General consensus for *Option C. Weekly Landing Limit for A and C Vessels*. Participants acknowledged that Category C vessels make up a small component of recent herring landings, but felt it was important to apply restrictions equally. There were no objections to the 45 day notification request.

There were some questions regarding whether a vessel could leave Area 1A to fish in Area 3. Staff commented that there is no language to prevent vessels from leaving (or coming back to) Area 1A, the only requirement was that a vessel had to declare into Area 1A prior to the fishing season.

There were other questions about whether the weekly landing limit would be a constant value throughout the season. Staff commented that the weekly landing limit would likely fluctuate based on weekly participation in the Area 1A fishery. If vessels left the fishery then the Technical Committee would adjust the weekly landing limit mid-season. It was also acknowledged that the states of Maine, New Hampshire and Massachusetts would continue to meet prior to the fishing season and during the fishing season to evaluate fishery performance and adjust landing days and weekly landing limits (if approved).

Issue 4: Landing Restriction on Transfers At-Sea

Four participants were in favor of *Option C. Herring carrier vessels are limited to receiving at-sea transfers from one harvester vessel per week; 1 landing per 24 hour period with a caveat*. Those in favor wanted additional language in the option that would place a reasonable limit on the number of carrier vessels that could be based on historical participation and carrying capacity. Multiple people commented that carriers have been involved in the herring fishery, but they have traditionally been smaller boats that operated solely as carriers (i.e., never as a harvester). Participants noted that smaller vessels require a carrier vessel due to limited carrying capacity. In addition, carriers travel to the islands to provide bait.

Two participants were in favor of *Option B. Herring caught in Area 1A can only be landed by the respective harvester vessel (i.e. no carrier vessels)*.

Issue 5: Small Mesh Bottom (SMBT) Trawl Days Out

One participant was in favor of *Option B. SMBT Days Out Program for Category C & D vessels*. One participant was in favor of *Option A. Status Quo* so the Days Out measures would apply equally to all vessels.

Issue 6: Clarification of the Days Out Procedure

Three participants were in favor of *B1. Voting*, meaning each state would vote on the measures for the Days Out program.

Three participants were in favor of *C1. Previously agreed upon number of landing days or 7 landing days*.

One participant was in favor of *C2. Zero Landing Days* until an agreement is reached because it might force a decision to be made at the meeting.

SECTION 4: SCOPING QUESTIONS FOR A TIERED WEEKLY LANDING LIMIT

Question 1. Are you in favor of a tiered weekly landing limit that would apply to vessels landing herring caught from Area 1A?

The majority of participants were in favor of a tiered weekly landing limit for the following reasons:

- The herring boats that have traditionally fished in Area 1A have spent a lot of money to be competitive against their (traditional) counterparts.
- New entrants delude the amount of fish that each vessel can have, given it is a high volume fishery.
- Herring vessels need to make a certain amount to be able to pay for repairs, etc.

Three people were opposed for the following reasons:

- All permittees have the right to fish
- This measure prevents younger generations from entering the fishery
- It is anti-competitive; any future management document should evaluate the competitive impacts and the state the purpose. If there is a control date then there should be reasonable justification for the date.
- Lobstermen need herring for bait and are opposed to measures that restrict bait from entering the market.

Question 2. What should form the basis of a tiered system?

Three participants prefer a tiered system to be based on landing history.

Question 3. How many tiers should be created?

General support for three tiers:

Tier 1: Primary harvesters (likely Category A)

Tier 2: Medium harvesters (likely Category C)

Tier 3: Traditional harvesters (could include state permitted fishermen, fishers looking for bait)

Question 5. If the tiers are based on harvester history, what date(s) should differentiate the tiers? Please provide one or more dates.

The control date should be January 1, 2017. The landing history to determine the tiers should go back ~5 years. If a tier is not utilizing their quota then there is a request to roll over that tier's quota by a certain date.

Question 7. Should each tier be designated a portion of the seasonal quota? If so, what percentage.

This will depend on the number of vessels within each tier.

Question 8. Should one or more tiers have a maximum allowable harvest per vessel?

No comment.

Questions 4 and 6 not applicable.

ATLANTIC STATES MARINE FISHERIES COMMISSION

**ATLANTIC HERRING ADDENDUM I
PUBLIC HEARING MEETING SUMMARY**

Portsmouth, New Hampshire

April 4, 2017

28 Total Participants

Meeting Staff (4): Ashton Harp (ASMFC), Ritchie White, Dennis Abbott, Doug Grout

Meeting participants (24): Chris Adamaitis, John-Paul Bilodear, Don Swanson (CCANH), Vincent Prien (NHCF Assc), Peter W., David Goethel (F/V Ellen Diane), Ellen Goethel (Explore the One World), Erik Anderson (NHCFA), Shaun Joyce, Fred C. (NH F&G), Peter Tilton, Peter Flanigan (F/V Wendy Lee), John (F/V Fly Girls), Bill, Pam Thames (NMFS), MaryBeth Tooley (O'Hara), Jerry O'Neil (Cape Seafood), Deirdre Boelke (NEFMC), Cate O'Keefe (MA DMF), Esther K, Shaun Rockett (Western Sea), Glenn Robbins (Western Sea)

SECTION 3: MANAGEMENT ALTERNATIVES

Issue 1: State Vessel Landing Reports

Multiple participants prefer the Commission work with NOAA Fisheries to garner access to the data that the fleet already provides on their federal VTRs. If the landings data will be used to monitor the rate of catch then why do the Category C and D vessels (which comprise less than 1% of landings) have to comply with this requirement—if Option B is implemented then these vessels want to be excluded.

Multiple participants were wary of using ACCSP's eTrips reporting system because they do not have access to the internet while at-sea or at the dock. There was a preference to use less technology for reporting. One participant mentioned the ease of reporting via a phone application, and cited an app that was developed by Florida for the billfish fishery.

Issue 2: Prohibit Landings of Herring Caught in Area 1A During a Day Out of the Fishery

Two participants were in favor of *Option C. Days Out Modifications for Category A Vessels Only* because it excludes Category C and D vessels from the Days Out program.

One participant was in favor of *Option A. Status Quo* because Options B and C are not consistent with the federal FMP. They do not want the Commission to impose limits on federally-permitted vessels in federal waters and view language that restricts possession caught in Area 1A as a matter that should be reviewed by the New England Fishery Management Council (because the majority of fishing in Area 1A is in federal waters).

One participant noted that they did not want to impose any undue restrictions on Category A vessels, therefore, they did not want to select an option. The participant commented that the

herring fishery has two different categories of vessels that fish for herring: Category A/B vessels primary target herring and comprise the majority of herring landings, whereas Category C/D vessels are day boats that operate primarily under the whiting fishery, which already has spatial, season and gear restrictions. The Category C/D vessels should have a different set of rules or be excluded from more restrictive measures.

Issue 3: Weekly Landing Limit

One participant was in favor of *Option B. Weekly Landing Limit for A Vessels*; the participant believes Category C/D vessels should be excluded given they make up such a small component of landings and there has not been any trend to show that landings by these vessels might increase beyond 1% of the overall landings.

One participant was in favor of *Option C. Weekly Landing Limit for A and C Vessels* so the restrictions are applied restrictions equally. The participant clarified that although the document says that Category C vessels can fish up to 25 mt, the majority of boats can't hold anywhere near this capacity and it is very unlikely that these vessels would fish at this level 7 days per week.

One participant commented that if *Option C* is implemented then the SMBT vessels should be excluded from the Days Out program entirely.

Multiple people questioned the 45 notification period. One participant commented that 15 would be more reasonable because 45 days puts an unnecessary constraint on fishermen who already have a lot of requirements to comply with. Another person said no declaration period should be necessary given there are only a handful of boats in the fishery. The Technical Committee should be able to adjust the weekly landing limit as boats enter and leave the fishery.

One person preferred a declaration and was not opposed to doing it 45 days prior to the start of the fishing season. It is helpful to know how many vessels will be in the fishery in a given year.

Multiple people noted that if a declaration is enforced that each state will need to socialize this requirement with harvesters so they don't miss the deadline. It will also not be possible for the 2017 fishing season.

Issue 4: Landing Restriction on Transfers At-Sea

One participant noted that Category C/D vessel work with herring in terms of boxes/hundreds of pounds. This person needs to be able to transfer herring over the rail as recreational bait and is unsure if this would qualify as a 'transfer at-sea'. There was a request to define 'transfer at-sea', and landing or offloading as described in the federal FMP.

One participant noted that restrictions on transfers at-sea increase the probability of discarding. The Commission should not impose measures that would indirectly increase the probability of discarding.

Two participants were in favor of *Option B. Herring caught in Area 1A can only be landed by the respective harvester vessel.* These participants noted that they have seen masses of fish taken by carrier after carrier, which turns the affected area into a dead zone.

Issue 5: Small Mesh Bottom (SMBT) Trawl Days Out

Two participants were in favor of *Option B. SMBT Days Out Program for Category C & D vessels.* Multiple participants wanted SMBT vessels to be able to land 7 days per week. If Option B is imposed the declaration period should be shortened because some vessels do not even start fishing until mid-July. If implemented, states will need to notify harvesters multiple times about due dates.

A petition (attached), signed by 29 people at the public hearing, supported a modified version of *Option B*, specifically the SMBT harvesters want to be exempt from the Days Out program.

Issue 6: Clarification of the Days Out Procedure

One participant was in favor of *B1. Voting*, meaning each state would vote on the measures for the Days Out program. They noted that nothing in fisheries should be determined by consensus.

Two participants were in favor of *C2. Zero Landing Days* until an agreement is reached because it might force a decision to be made at the meeting. One person opposed *Option C1* because it could close a federal fishery.

SECTION 4: SCOPING QUESTIONS FOR A TIERED WEEKLY LANDING LIMIT

Question 1. Are you in favor of a tiered weekly landing limit that would apply to vessels landing herring caught from Area 1A?

Multiple people found it hard to comment on whether they want a tiered weekly landing limit because ‘the devil is in the details’.

One person noted that this could be considered a re-allocation program of federal permits, which the Commission does not have the authority to do. In response, another participant questioned where the ultimate authority for the herring fishery resides.

One participant (purse seiner) was in favor of the tiered weekly landing limit system because it gives harvesters greater flexibility and protects them from an influx of new harvesters. It was also noted that a tiered system could prevent the price of herring from increasing

Question 2. What should form the basis of a tiered system?

One participant preferred a tiered system based on vessel size; another participant preferred vessel size and historical landings. A third participant thought weekly landing limits should be based on federal permit categories, but not necessarily in a tiered manner.

Question 3. How many tiers should be created?

No comment.

Question 5 and 6. If the tiers are based on harvester history (or vessel size), what date(s)/size should differentiate the tiers?

If a control date is chosen then it should be within the last 5 years. Landing history to determine the tiers should go back 5 years or less.

Question 7. Should each tier be designated a portion of the seasonal quota? If so, what percentage.

No comment.

Question 8. Should one or more tiers have a maximum allowable harvest per vessel?

No comment.

Questions 4 not applicable.

ATLANTIC STATES MARINE FISHERIES COMMISSION

**ATLANTIC HERRING ADDENDUM I
PUBLIC HEARING MEETING SUMMARY**

Gloucester, Massachusetts

April 5, 2017

17 Total Participants

Meeting Staff (2): Ashton Harp (ASMFC), David Pierce (MA DMR)

Meeting participants (15): Arthur Sawyer (MLA), Beth Casone (MLA), Kalil Boghday (MFAC), David Spence (Tidewinder), John Moores, Peter Mullen (Irish Venture Inc), Mark Ring (MLA / Gloucester Fish Company), Allison Murphy (NMFS), Brad Schondelmeier (MA DMF), 6 other unidentified participants

SECTION 3: MANAGEMENT ALTERNATIVES

Issue 1: State Vessel Landing Reports

One participant was in favor of *Option B. State Vessel Landing Reports*.

Eleven people were in favor of *Option A. Status Quo*. They would prefer the Commission work with NOAA Fisheries to garner access to the data that the fleet already provides via federal VTRs. One person commented that they already have to fill out multiple reports and don't want to do anymore.

Issue 2: Prohibit Landings of Herring Caught in Area 1A During a Day Out of the Fishery

One person commented that they are in favor of measures that will extend the season.

The other participants said they did not want to comment because this measure was geared toward Trimester 2 vessels, whereas the majority of participants in the room fished during Trimester 3.

Issue 3: Weekly Landing Limit

One participant was in favor of *Option C. Weekly Landing Limit for A and C Vessels* so the restrictions are applied restrictions equally.

One participant, who fishes during Trimester 3, was in favor of *Option A. Status Quo*. The individual wants to be able to harvest fish when they are in the area.

A Maine fishermen commented that the weekly landing limit system worked very well last year (in Maine) because it stretched the quota into September. It was acknowledged that having a limited amount of landings per week meant a fewer number of customers could receive bait, which resulted in price increases.

Issue 4: Landing Restriction on Transfers At-Sea

Two participants were in favor of *Option C*.

Issue 5: Small Mesh Bottom (SMBT) Trawl Days Out

Multiple participants are in favor of *Option B. SMBT Days Out Program for Category C & D vessels*. They voiced that SMBT vessels are the primary source of herring for the lobster fishery in NH and MA. All voiced opposition to the two available landing days that were available for the majority of Trimester 2 in 2016— it severely limited the MA lobster fishery because the Maine landings don't regularly make it down to MA. There was strong support for the SMBT vessels to have differential landing days with a preference for 7 available days. Additional landings days would also allow the whiting fishery to retain incidental catch of Atlantic herring instead of discarding.

A petition (attached), signed by 53 people at the public hearing, supported a modified version of *Option B*, specifically the SMBT harvesters want to be exempt from the Days Out program.

Issue 6: Clarification of the Days Out Procedure

One participant was in favor of *B2. Consensus*.

Three participants were in favor of *C1. 7 Landing days or rolled over days if mid-season* until an agreement is reached because it might force a decision to be made at the meeting.

SECTION 4: SCOPING QUESTIONS FOR A TIERED WEEKLY LANDING LIMIT

Question 1. Are you in favor of a tiered weekly landing limit that would apply to vessels landing herring caught from Area 1A?

Multiple people were not in favor of a tiered weekly landing limit. There was concern that it would eliminate small boats because they wouldn't get a sufficient amount of the quota to stay in business. Small boats heavily support the dockside industry. There was also a concern that it could turn into a sector or ITQ system, which is not preferred.

One participant (purse seiner) was in favor of the tiered weekly landing limit system because it gives harvesters greater flexibility and protects them from an influx of new harvesters. It was also noted that a tiered system could prevent the price of herring from increasing.

Other Comments:

One participant was curious if the Commission has evaluated the 2,000 latent lobster permits and what affect it would have on the herring market if latent lobster permits became active.

ATLANTIC STATES MARINE FISHERIES COMMISSION

**ATLANTIC HERRING
PUBLIC HEARING MEETING SUMMARY**

Cape May, New Jersey

March 27, 2017

8 Total Participants

Meeting Staff (3): Ashton Harp (ASMFC), Tom Baum (NJ Bureau of Marine Fisheries), Tom Fote (Legislative Commissioner)

Meeting participants (5): Paul Axelsson, Dan Axelsson, Jeff Kaelin, Wayne Reichle, Eleanor Bochanch

SECTION 3: MANAGEMENT ALTERNATIVES

Issue 1: State Vessel Landing Reports

Reluctant support for *Option B. Implement State Vessel Landing Reports* if access to the VMS pre-trip landing reports is not granted. Although, it is viewed as a duplicative action. Industry members felt they had complied with all of the federal reporting requests, therefore, it is discouraging that NOAA Fisheries and ASMFC cannot find an avenue that would streamline access to data. Alternative suggestions:

- Would prefer NOAA Fisheries send a daily quota monitoring email to ASFMC staff
- Is it possible to use SAFIS (daily dealer reports)?

Issue 2: Prohibit Landings of Herring Caught in Area 1A During a Day Out of the Fishery

General consensus for *Option A. Status Quo*. However, if *Issue 3. Option B. Weekly Landing Limit* is implemented then there is a strong preference for the Days Out program to be abolished or not administered.

Participants were strongly opposed to Options B and C due to weather, safety and economic concerns. Any loss of flexibility in terms of when a vessel can fish, increases at-sea risks. These options, if combined with Issue 3, were seen as unnecessarily restrictive and would vastly reduce fishing opportunities.

One participant noted that there is a lot shoreside infrastructure that is reliant upon this fishery and hopes to hear dealer feedback on these options.

Issue 3: Weekly Landing Limit

General consensus for Option C. Weekly Landing Limit for A and C Vessels. If implemented, there is a strong preference for the Days Out program to be abolished (as stated under Issue 2). Although Category C vessels do not currently harvest a lot herring, permittees have the

potential to harvest up to 25 mt/trip. Therefore, participants want Category A and C vessels to be held to the same restrictions. Participants preferred the weekly landing limit to be stated in pounds and had no objections to the 45 day notification request. It was acknowledged that New Jersey would have to develop a declaration procedure.

Issue 4: Landing Restriction on Transfers At-Sea

Consensus for *Option A. Status Quo* because it will save fish, however participants could be ok with Option C. Option B could never be considered because a lot of harvesters and markets require the use of carrier vessels.

If Option C is selected then participants noted that it could increase slippage. When asked if a weekly landing limit could increase slippage, participants remarked that in most cases it would not because the fish could be given to other carrier vessels. However, if Option C was implemented then it reduces opportunities to transfer fish, as a result it could increase slippage.

One participant noted that Table 6 in the document could imply an increase in carrier vessels however, that is not the case. The industry became available of the opportunity to have At-Sea Dealer permits and began applying for these permits in 2016—these vessels have historically been in the fishery.

Issue 5: Small Mesh Bottom (SMBT) Trawl Days Out

Participants were in favor of *Option B. SMBT Days Out Program for Category C & D vessels*. It was acknowledged that SMBT vessels currently harvest less than 1 percent of landings, therefore a separate days out program did not pose any concerns and the SMBT fishery should have more flexibility. One participant wants to make sure that the SMBT harvest is being reported accurately.

Issue 6: Clarification of the Days Out Procedure

Two participants were in favor of *B2. Consensus*, meaning states would have to come to a consensus on the measures for the Days Out program. They did not want two states to be able to overpower a third state.

One participant was in favor of *C2. Zero Landing Days* until an agreement is reached. Given, the rate of catch in recent years has been a concern, one participant questioned the value of a 7 day default landing day scenario.

SECTION 4: SCOPING QUESTIONS FOR A TIERED WEEKLY LANDING LIMIT

All participants strongly disagreed with any alternatives that could lead to a tiered weekly landing limit. Any efforts to impose such a system should be stopped immediately, therefore, participants did not answer questions 2-9. It is seen as unequitable and tantamount to giving a

public resource to a select number of fishermen. If imposed, it could set a negative precedent on other federal fisheries.

The Commission should state the specific problem that this action would address. New Jersey does not have a vast fleet of vessels that are waiting to harvest herring in Area 1A. One participant noted this action is directed at one New Jersey fishermen who steamed up to Area 1A to harvest herring in 2016. This fishermen noted their right to follow the fish (herring) because they have a Category A permit. Also stating that fishermen from the northeast come to the Mid-Atlantic to fish; following fish is what a fishermen does. Lastly, the Gulf of Maine herring fishery is already tiered geographically against New Jersey fishermen.

If there is a concern about latent permits (Table 9) then that should be explored further before considering this action.

Any regulatory body considering such an option would have to look a landing data from at least 20 years back; it would have to be a point prior to when midwater trawlers were excluded from Area 1A during June through September.

Other Issues:

One participant noted that the rigid management structure (four sub-ACLs) prevented the fishery from achieving optimum yield. The Council and Commission should explore that feasibility of a 10,000 mt reserve that can be accessed in Trimester 3, if any management areas are underutilized.

ATLANTIC STATES MARINE FISHERIES COMMISSION

**Written Comment Summary on Draft Addendum I to Amendment 3
to the Atlantic Herring Fishery Management Plan**

April 17, 2017

The following pages represent a summary of written comments received by ASMFC by April 7, 2017 at 5:00 p.m. on Draft Addendum I to Amendment 3 of the Atlantic Herring Interstate Fishery Management Plan.

A total of 17 written comments, including a small-mesh bottom trawl petition with 82 signatures, were received from the following organizations/groups:

National Marine Fisheries Service
FV Western Sea
Shaun Rockett, FV Western Sea
Paul Axelsson, FV Opportune
Peter Mullen, FV Western Wave
Ryan Raber, FV Providian
Lund's Fisheries Inc
Maine Lobstermen's Association, Inc. (ME-MLA)
Massachusetts Lobstermen's Association (MA-MLA)
Maine Lobstering Union (IMLU)
Julie Eaton
William Coffin
Atwood Lobster LLC
Jim Higgins
Anonymous
J. McLean

ISSUE 3.1.1: STATE VESSEL LANDING REPORTS

Option A: Status quo

Option B: Implement State Landing Report

Issue 3.1.1		
Option A	2	MA-MLA, NMFS
Option B	7	Shaun Rockett, McLean, Lund's, IMLU, FV Western Sea, ME-MLA, Atwood

Two participants supported Option B, only if access to the NOAA daily catch data is not granted.

ISSUE 3.1.2: PROHIBIT LANDINGS OF HERRING CAUGHT IN AREA 1A DURING A DAY OUT OF THE FISHERY

Option A: Status Quo. Harvesters are prohibited from landing herring during a ‘day out’.

Option B: Harvesters are prohibited from landing or possessing herring caught from Area 1A during a day out of the fishery.

Option C: Vessels with a *Category A Limited Access Permit* are prohibited from landing or possessing herring caught from Area 1A during a day out of the fishery.

Issue 3.1.2		
Option A	3	F/V Opportune, Lund’s, ME-MLA
Option B	1	F/V Providian,
Option C	5	Anonymous, Shaun Rockett, McLean, FV Western Sea, Atwood

Preference for status quo because it promotes the safety of life at sea (i.e., doesn’t force vessels to fish on bad weather days) and allows vessels to offload when ready (i.e, no longer in possession of herring).

ISSUE 3.1.3: WEEKLY LANDING LIMIT

Option A: Status Quo. No weekly landing limit

Option B: Weekly harvester landing limit (in pounds) for vessels with a Category A federal permit

Option C: Weekly harvester landing limit (in pounds) for vessels with a Category A or C federal permit

Issue 3.1.3		
Option A		
Option B	3	Anonymous, IMLU, ME-MLA
Option C	6	FV Opportune, Shaun Rockett, McLean, FV Western Sea, ME-MLA, Atwood

ISSUE 3.1.4: LANDING RESTRICTION ON TRANSFERS AT-SEA

Option A: Status Quo. A vessel with the proper permits can transfer or receive Atlantic herring at-sea.

Option B: Herring caught in Area 1A can only be landed by the respective harvester vessel (i.e. no carrier vessels)

Option C: Herring carrier vessels are limited to receiving at-sea transfers from one harvester vessel per week; 1 landing per 24 hour period (*Maine implemented in 2016*)

Issue 3.1.4		
Option A	2	FV Opportune, Anonymous
Option B	3	Shaun Rockett, FV Western Sea, Atwood
Option C	5	FV Western Wave, Lund’s, IMLU, FV Providian, Julie Eaton

Select sub-comments, full text can be found in the individual written comments:

- “With the implementation of weekly landing limits, carriers do not affect the rate or quantity of catch.” – Anonymous
- “Option B until a tiered system is in place, to protect the fishery” – FV Western Wave

ISSUE 5: SMALL MESH BOTTOM (SMBT) TRAWL DAYS OUT

Option A: Status Quo. Days Out program applies to all Herring harvesters.

Option B: SMBT Days Out Program for Category C and D Permits

Issue 3.1.5		
Option A		
Option B	9 + petition with 82 signatures	Anonymous, Shaun Rockett, MA-MLA, McLean, Lund’s, IMLU, FV Providian, FV Western Sea, Atwood

ISSUE 6: CLARIFICATION OF THE DAYS OUT PROCEDURE

Option A: Status Quo

Type of Agreement

- **Option B1:** Voting
- **Option B2:** Consensus

Default Landing Days

- **Option C1:** Previously agreed upon number of landing days or 7 landing days
- **Option C2:** Zero landing days until an agreement is reached

Issue 3.1.6		
Option A		
Option B1	3	Anonymous, MA-MLA, Lund’s
Option B2	8	F/V Opportune, Shaun Rockett, McLean, Lund’s, FV Providian, FV Western Sea, ME-MLA, Atwood
Option C1	3	Anonymous, MA-MLA, FV Providian
Option C2	2	Lund’s, ME-MLA

SECTION 4: SCOPING QUESTIONS FOR A TIERED WEEKLY LANDING LIMIT

Sentiment on a tiered weekly landing system:		
In Favor	4	Shaun Rockett, McLean, Atwood, FV Western Sea
Opposed	6	F/V Opportune, Anonymous, MA-MLA, Lund’s, IMLU, Julie Eaton

Select sub-comments that provide additional context for chosen empty fish hold provision options, full text can be found in the individual written comments:

- In Favor
 - Preference for a three-tier system, whereby Tier 1 includes only those Category A vessels that have fished in the last 10 years.
 - Preference for a three-tier system based on permit category and harvester landing history.

- Opposed
 - “It will only limit or eliminate competition for a public resource which will cause price increases. The quota, and therefore the resource, is not and will not be affected by the number of boats in the fishery...” – Anonymous
 - “Any future consideration of tiering access to the 1A fishery should take place in sync with the NEFMC, federal plan, and the Council should take the lead in a trailing action.” – Lund’s

Additional comments

- “Maine Lobstermen understand the need for conservation and sustainability in all fisheries. We have managed to create and maintain a sustainable lobster fishery which will be here for future generations to participate in. However, we would like to see the implementation of conservation measures for Herring altered slightly. The herring quota has been cut so severely that we are literally hanging on by a thread. We request a survey of the current stock in Area 3 be done this year by qualified, independent scientists with the involvement of Herring harvesters who know where and when the herring are, to obtain an accurate assessment of the fishery. We would like to see rolling closures in Area 3 during spawning times just like already exist in Area 1A to further build and maintain a healthy stock.” – Julie Eaton, Lobsterman
- Two written comments would like to see vessels not be allowed to switch/shift fishing effort in and out of Area 1A.
- One written preferred new participants be capped at 20,000 lbs, restricted by days out and not be allowed to transfer at sea.

Comments on ASMFC Addendum I

1. Reporting: Faster and more accurate reporting of herring catch by State should be implemented. It seems the simplest option would be “specific state representatives are granted access to NOAA VMS pre-landing reports”.
2. Landing on Days-Out: I support Option C: Days Out Restrictions for Vessels with a Category A Limited Access Permit. Since the percentage of landings for both Category C and D permits is miniscule, it makes sense to not include them in this.
3. Weekly Landing Limit per Vessel: I support Option B: Weekly Harvester Landing Limit for Vessels with a Category A Limited Access Permit. For the same reason listed in 2 above (landings are miniscule). Also, reporting requirements for Category C and D permits would be much simpler.
4. Landing Restrictions on Transfers at Sea: I would support the status quo. It is up to the harvester to report their herring catch no matter if they land the fish themselves or transfer to a carrier to land. The same number of fish will be landed whether by harvester or carrier. There are a few harvesters that cannot hold many fish and rely on carriers. Option B would be grossly unfair to these. Additionally, there are Carriers that have relied on this as their sole source of income for many years. With the implementation of weekly landing limits, carriers do not affect the rate or quantity of catch.
5. Small Mesh Bottom Trawl: I support Option B: Additional Days Out Program for Small Mesh Bottom Trawl Vessels with a Category C or D Permit.
6. Clarify Days Out Procedure: I support B1 and C1

Scoping for a Future Management Document

I do not support any type of a Tiered Weekly Landing Limit. It will only limit or eliminate competition for a public resource which will cause price increases. The quota, and therefore the resource, is not and will not be affected by the number of boats in the fishery. There are likely a few additional boats that want to enter the fishery in 2017. This is because the price per pound to the boat almost tripled in 2016 - mainly because there were a very few purse seiners that were actually harvesting -making it easy to gouge the fishermen. There were fewer seiners in 2016 than in 2012 and 2013 to be specific. Any influx of large numbers of additional purse seiners is pure speculation and unlikely. Purse seining is a very complicated type of fishing that takes years to become accomplished at. There is a limited number of Category A licenses, they are expensive, and outfitting or re-rigging a boat takes time and a huge investment.



April 7, 2017

Atlantic States Marine Fishery Commission
 1050 N. Highland St. Suite A-N
 South Portland, ME 04116

RE: Draft Addendum 1 to Amendment 3 to the Atlantic Herring Interstate Fishery Management Plan

Dear Commissioners,

Atwood Lobster LLC is a dealer located in the Mid-Coast region of Maine. Our business operations span much of the coast from Southern Maine to the Down East region, and includes the annual purchase of millions of pounds of lobster. In 2016, we procured and sold roughly 5 million pounds of herring, accounting for nearly 7% of total herring landed in Maine last year. As such, we consider ourselves significant stakeholders in the subject matter.

We speak from a unique perspective as we have a responsibility in supporting harvesters on both sides of the equation. On the one side we need to advocate for our lobster fishermen who were heavily burdened by the rapidly rising herring prices last year. On the other side, we have established strong, and long-term relationships with herring fishermen, trawlers and seiners alike, who have reached out to us for support.

In specific regards to Addendum 1, Atwood Lobster's position regarding the 6 proposed management alternatives are as follows:

Management Alternative	Supported Option
3.1.1 Harvester Reporting Requirements	Option B
3.1.2 Prohibit Landings of Herring Caught in Are 1A during a Day Out	Option C
3.1.3 Weekly Landing Limit Per Vessel	Option C
3.1.4 Landing Restriction on Transfers At-Sea	Option B
3.1.5 Small Mesh Bottom Trawl (5MBT) Fleet Days Out	Option B
3.1.6 Clarification of Days Out Procedure	Option B2, Consensus

In reference to the scoping questions, our position is as follows:

1.	Yes, we support a tiered weekly landing limit
2.	The tiered system should be based on the permit category and the harvester's landing history
3.	There should be a 3 tiered system
4.	Category A permits should be part of tiers 1 and 2
5.	Tier 1 should be based on a harvester's activity over the last 10 years
6.	N/A



7.	Yes each tier should be designated a portion of the quota using a calculation based on historical landings
8.	Yes, each tier should have a maximum allowable harvest per vessel

It is our belief that the viewpoint of dealers like Atwood Lobster should be weighted heavily in the subject dialogue as we exist at the center of the herring/lobster fishermen dynamic. We have invested heavily in infrastructure supporting both our lobster fishermen as well as our bait department which are both vital to ongoing operations.

We hope you will take our input into consideration as you make your way through this process. We are happy to participate in any way possible to ensure the viability and success of our harvesters across all New England fisheries.

Very Respectfully,

Brittany Willis
General Manager
Atwood Lobster, LLC
286 Island Road
Spruce Head, ME 04859
Brittany.willis@atwoodlobster.com
(207) 542-5482

Rick Whitten
Bait Manager
Rick.whitten@atwoodlobster.com
(207) 975-1760

Our company William Coffin & Sons has been in the bait business since 1977. We are concerned about more boats coming into the fisheries and making the price go up. This also will make less loads between the boats, therefore we will get less loads. .It seems that some kind of solution could be made so everyone could make a living. We don't think it's right for boats that haven't been fishing to come in and have the same amount of fish to catch as the boats that have been seining for 30 plus years. It wouldn't be quite as bad if the quota could be increased. If the boats come in that haven't been fishing we will be out of bait by August, just when the market picks up for fall fishing. This will be very hard on the bait dealers and lobster fisherman. We don't want to cause hard feelings, but this is not right.

Thank you for listening.

William Coffin & Sons
Jane & Bill Coffin



Maine Lobstering Union

IMLU Local 207: By Lobstermen, for Lobstermen



April 7, 2017

Ashton Harp
ASMFC
1050 North Highland Street
Suite 200 A-N
Arlington, VA 22201

RE: Public Comments on Addendum I to Amendment 3 to the Atlantic Herring
Interstate Fishery Management Plan

Dear Ms. Harp;

Thank you very much for your detailed presentation on April 3, 2017, in Wiscasset, regarding the six Addendum I amendment options being considered by the ASFMC. Based on the information you provided during that presentation, the discussion during that meeting, and your detailed White Paper and Addendum I draft, the Maine Lobstering Union, Local 207 of the IAMAW, is submitting formal public comments on several of the options.

There are several goals that we believe should be the focus of any options adopted in Addendum I by the Commission:

- Ensure that the Area 1A quota is managed in a manner that will provide fresh herring bait to lobstermen (the primary consumers of this fishery) when it is needed in the later months in the Second Trimester without any premature closure in the fishery prior to the end of September, 2017;
- Level the playing field so that all Area 1A permit holders operate under the same management restrictions and requirements regardless of their home State;
- Provide real-time data to all stakeholders and States; and
- Maintain the diversity of the fleet to ensure that small vessels and carriers (like the Double Eagle circa 1929) that have traditionally fished in the New England herring fishery can continue to participate in, and thrive in, this important fishery.

In addition, we request that: (i) a determination be made *this year*, by appropriate independent scientists, regarding the status of the stock in Area 3; and (ii) Area 3 be closed during the period that spawning is occurring in Area 3 – like the rolling closures that already take place in Area 1A -- to ensure the health and/or recovery of this stock for future years and generations.

Background:

As the Commission is well aware, lobstermen are the primary consumers of the herring caught in Areas 1A and 3. This herring provides an important and significant part of the bait used in the lobster fishery, especially in Maine.

The need for herring as bait is greatest in the Second Trimester, particularly during the months of August and September. The need for herring is lower in June than July, lower in July than August, and high in both August and September. Unfortunately, in 2015 and 2016, herring in Area 1A was caught at the front-end of the Second Trimester – burning up most of the roughly 30,000 MT quota in June and July and leaving lobstermen with very limited or no access to fresh-caught herring for bait when it was most needed in August and September.

This situation was exacerbated due to the significant drop in the Area 3 catch in 2015 and 2016. As a result, Area 1A became the primary source for herring for Maine lobstermen in 2015 and 2016.

However, in 2016, despite the efforts of the Maine Department of Marine Resources to impose additional measures on Maine permit holders to ensure that the quota was not used before the end of the Second Trimester, Area 1A was closed for spawning as of September 17, and was closed for the remainder of the Third Trimester and year on October 18 because 92% of the quota had been caught by that date.

As a result of the limited supply of herring for bait during the time when bait is most needed for the lobster fishery, the price of herring bait has increased exponentially in the past three years. Since 2013, the price of herring has more than doubled in price, resulting in significant hardship on Maine lobstermen. While the price for bait for most lobstermen climbed in 2016 to an average cost of \$50,000 to \$60,000, lobstermen did not receive a commensurate increase in the price that they received for their catch from dealers and processors, and they did not have the ability to pass this bait price increase on to the ultimate consumers of their catch.

Comments on Specific Options:

- ***3.1.1 Harvester Reporting Requirements:*** Option B;
- ***3.1.2 Prohibit Landings of Herring Caught in Area 1A During a Day Out of the Fishery:*** No Preference or Position;
- ***3.1.3 Weekly Landing Limit Per Vessel (Pounds):*** Option B with the addition of imposing a progressive, *not uniform*, number of trucks per week so that the majority of the Second Trimester quota is caught in August and September and there are no quota-related closures during the period when herring is in greatest demand (we understand that there may be spawning-related closures during this time);
- ***3.1.4 Landing Restrictions on Transfers At-Sea:*** Option C or some variation on this option that will ensure continued fleet diversity, a place for smaller vessels and carriers, and continued viability of the existing carrier vessels that have been involved in this fishery – some for almost a century;

- **3.1.5 *Small Mesh Bottom Trawl Fleet Days Out*:** We would like to see this segment of the fishery encouraged further to increase diversity in the fishery and additional fishing opportunities for Maine small boat fishermen, including fishermen on waiting lists for other fisheries including the lobster fishery;
- **3.1.6 *Clarification of Days Out Procedure*:** Whichever option best ensures that all Area 1A permit holders are required to adhere to uniform restrictions that will manage the Area 1A quota to ensure it is available during the entire Second Trimester and guarantee a level playing field for all participants in the herring fishery and fresh bait at more reasonable, and more stable prices (in line with historical levels not the past 3 years).

We currently oppose the imposition of a tiered system in the herring fishery because we believe that it will keep prices high by stifling competition and chilling the entry of new entrants and development of innovations and more small vessels participating in the fishery. We also believe this could and would disadvantage small vessels and traditional carrier vessels – harming the diversity of the fleet. Owner-operator and small vessel participation in the herring fishery is an important goal that has social and economic benefits which we believe need to be facilitated by the Commission when it considers which options to adopt in Addendum I.

Thank you for your consideration.

Sincerely,



Kimberly J. Ervin Tucker
Legal Counsel
Maine Lobstering Union

Teasy:

On the Bait issue. A lot less bait can be used if we encourage everyone to bag our bait instead of stabbing it.

Except for redfish. It lasts longer in the bags and you end up using less. I am using 25-30% less by bagging the pogies rather than stabbing it. When we stab, we use an awful lot just to the tides & strong currents

Bonus is you rarely run out of bait in the bags 3-4 days later there is still some left, and the trap is still fishing. I believe I am catching a little more due to not having any bait free traps. Takes no more time to bag than stab.

I know this sounds too rudimentary to be helpful but it has helped me.

Thanks for all you do for us

Tim Higgins
7 Linden Court
Cumberland Me 04024

Ashton Harp
ASMFC
1050 North Highland Street
Suite 200 A-N
Arlington, Va. 22201

RE: Public Comments on Addendum I to Amendment 3 to the Atlantic Herring Interstate Fishery Management Plan

Dear Ms. Harp,

I am a commercial lobsterman (female) from Deer Isle, Maine with 30+ years of time on the water. I am married to a lobsterman and we each operate our own boats. Our children also operate their own boats as to their children (our Grandchildren). We are a traditional Maine fishing family. I am also the Chairman of the Maine Lobstering Union's Legislative Committee. I am writing to you to submit formal public comment on several of the options detailed in your White Paper and Addendum I draft as well as the presentation that was made in Wiscasset, Maine and discussion at that meeting and conversations we as a Union have had since that meeting.

We would like to see all boats in this fishery treated with fairness. Everyone getting an equal shot. The smaller boats are just as important as the larger boats! We are by tradition a small boat fishery (lobster) and have profound respect for boats like the Double Eagle that has brought us in Herring since 1929! It just isn't right that these carriers should be squeezed out. They have taken care of our herring needs for decades and it is vital that we stand up for them now. We would ask that the playing field was leveled for all in Area 1 so everyone was asked to play by the same restrictions and requirements. Diversity is so important in this fishery as it is in all fisheries. For without diversity, we will see huge mega ships gobble up the herring in a very quickly like they did last year. All the herring was caught and put in storage thus eliminating the ability for lobstermen to obtain "fresh" herring that is so very important to our businesses.

Maine Lobstermen understand the need for conservation and sustainability in all fisheries. We have managed to create and maintain a sustainable lobster fishery which will be here for future generations to participate in. However, we would like to see the implementation of conservation measures for Herring altered slightly. The herring quota has been cut so severely that we are literally hanging on by a thread. We request a survey of the current stock in Area 3 be done this year by qualified, independent scientists with the involvement of Herring harvesters who know where and when the herring are, to obtain an accurate assessment of the fishery. We would like to see rolling closures in Area 3 during spawning times just like already exist in Area 1A to further build and maintain a healthy stock.

We think that real time data should also be provided to all stakeholders and States to both protect the resource and to allow the herring harvesters to fully participate in the harvesting of the quota.

Most of the effort in Maine by the lobstermen occurs in July, August, and September. We would ask that the quota be adjusted to give a larger share in these months. Even if the quota was redistributed, giving more in August and September and less in June. This would be an immense help without doing any acute damage to the stock.

I can tell you from a personal stand point, that I paid exactly double for my bait this year as did everyone in Stonington/Deer Isle. I must have bait to go fishing and because the dealers couldn't raise the price I was getting paid for my lobsters to offset this huge increase in the cost of herring to the consumer, it came as a major expense for my business. I do not support a tiered system for the herring fishery as it, (my economic classes in college taught me about supply & demand) would only serve to further increase my bait prices. There were 7 herring boat in Maine water this year. To allow them to catch the lion's share of the bait would only serve to allow them to charge any amount they want, create monopoly in the fishery and further harm the lobstermen. It is important to understand that NOT all lobstermen have large boats and although some make amazing money, most us are small fishermen doing job we love and making a living. It is vital to our industries (lobster & herring) that we maintain diversity, owner- operator standards and protect the small vessels in both fleets. Small lobstermen built the lobster fishery and small herring carriers were an essential part of that too!

Thank-you for your time and consideration on this very important issue. I hope that a decision can be reached to maintain the way of life that we so desperately want to protect and ensure sustainability for all.

Julie Eaton
33 Lindsay Lane
Deer Isle, Maine 04627

catsasscaptjulie@yahoo.com
207-348-6255



MAINE

Lobstermen's Association, Inc.

2 Storer St, Ste 203 * Kennebunk, ME 04043
207-967-4555 * 866-407-3770 * www.maine lobstermen.org

Ashton Harp
ASMFC
1050 North Highland St, Suite 200A-N
Arlington, VA 22201

April 6, 2017

Dear Ms. Harp:

The Maine Lobstermen's Association (MLA) has reviewed the Draft Addendum I to Amendment 3 to the Atlantic Herring Plan. Atlantic herring is the most important bait fish for Maine's lobster fishery which supports thousands of jobs. In 2016, Maine's lobster fishery generated nearly \$550 million in ex-vessel value. Managing landings of Atlantic herring through the peak fishing months of the lobster fishery is fundamental to its continued success.

Access to herring was a daunting problem for the Maine lobster industry in 2016. The price of bait doubled and many of Maine's coops and buying stations had to ration bait. The lack of and the high cost of bait remain a huge issue of concern for Maine's lobster industry.

The MLA strongly supports Addendum I to the herring plan to give the ASMFC Herring Section additional tools to manage the timing of herring landings from Area 1A. The MLA supported Maine's efforts in 2016 to limit the use of carriers and catch per vessel in order to ensure that the bait supply lasted throughout trimester 2 and ensure a bait supply for the lobster industry. We encourage the ASMFC to adopt these measures so that Maine, New Hampshire and Massachusetts can work together to manage Area 1A landings and maintain fair and equitable regulations for all vessels in the fishery, regardless of which state they land in.

With regards to the specific management alternatives, the MLA provides the following feedback:

Harvester reporting requirements. The MLA supports requiring a state landings report if a vessel lands herring caught from Area 1A in a Maine, New Hampshire or Massachusetts port, if federal VTR reports are not made available to states for landings monitoring in a timely fashion.

Prohibit landings of herring during a day out of the fishery. MLA supports the status quo on this coupled with a weekly landing limit per vessel.

Weekly landing limit per vessel. MLA supports expanding the measures Maine had in place in 2016 to control landings. Therefore, MLA supports Option B or C to put all states on a level playing field to control the amount and timing of landings.

Clarification of days out procedure. The MLA supports that the Herring Section continue to operate by consensus, and the default management measures be set to zero landing days if consensus is not reached. We believe that a shut-down of the fishery is something that all states will work to avoid.

Thank you for consideration of these comments.

Sincerely,

A handwritten signature in blue ink that reads "Patrice McCarron". The signature is written in a cursive, flowing style.

Patrice McCarron
Executive Director

F/V Ocean Spray Partnership

Deake's Wharf, Portland, ME 04101

Ryan M. Raber, Δ 207.841.7881



April 5, 2017

Atlantic States Fishery Commission
1050 N. Highland St. Suite A-N
Arlington, VA 22201

Dear Commissioners,

I am writing to provide comments on behalf of the F/V Providian on the Draft Addendum 1 to Amendment 3 to Interstate Fishery Management Plan for Atlantic Herring. The F/V Providian fishes for Atlantic Herring throughout the range of the fishery using both midwater trawl and purse seine gear. The F/V Providian lands herring for the lobster bait markets in Maine, New Hampshire and Massachusetts.

In general, we support the idea of managing the landing in 1a to extend the quota throughout the bulk of the Lobster season. The unpredictability of the haddock by-catch will likely limit access to fishing in Area's other than 1a, as a result, a majority of the lobster bait supplied to New England will have to come from 1a. Therefore, the limited quota in 1a must be managed in order to have fresh bait throughout the bulk of the lobster season. Although we believe this type of management should be executed on the federal level, there is no way NOAA could act for the 2017 season. This leaves it up to us to attempt to manage the landings through ASMFC.

3.1.1 Harvester Reporting Requirements

There is no reason to add additional reporting burden to vessels. Maine has been working with NOAA to use VMS data. We believe Maine and the other States should continue to work with NOAA to use VMS data. However, we will be happy to comply with any new reporting requirements in order to give fishery managers' better tools to manage our quota.

3.1.2 Prohibit Landings of Herring Caught in Area 1A during a day out of Fishery

We believe the landing laws should be uniform across the states and match the rules Maine DMR implemented in 2016. Fishing and landing should be prohibited on "days out". Vessels should be allowed to possess fish transiting the through provided the fish is legally caught in other areas. It is necessary to give fishery managers the tools to effectively slow the quota depletion.

3.1.3 Weekly Landing Limit per Vessel / 4.1 Tiered

It will not be an easy task to come up with a management plan that will make the quota last for the bulk of the lobster season and not destroy the stakeholder's investments in the bait businesses that support the lobster industry. All we ask is the F/V Providian is treated on the same level as the other 5 seiners that have a 2016 history in 1a if a tiered system is implemented. We have all invested a considerable sum of money to supply steady bait to the lobster industry. We and other current stakeholders have invested in harvesting, processing and delivery.



Inequities in the allocation to historical stakeholders' will significantly hamper our ability to utilize our investments and provide payback to the long-term infrastructure. There are clearly 6 boats that landed over 1 million pounds last year from 1a trimester 2 and have current and long-term involvement in the industry. The existing stakeholders have responsibly gone to weekly landing limits in an effort to extend the quota as long as possible under extremely difficult circumstances. As a result, others have seen an avenue to capitalize on our responsible actions with very little investment. If new participants must be allowed access, then we feel they should be limited to a traditional lobster boat landings. New participants should be capped at 20,000lbs, restricted by days out and not be allowed to transfer at sea. This would allow access lobstermen access to herring for their own bait needs.

3.1.4 Landing Restriction on Transfers at Sea

Each harvester vessel should be allowed to designate one specific carrier. Herring caught in 1a should only be transferred at sea to their designated carrier. The herring industry has a strong history of carriers. These carriers supply remote island markets that are not easily accessible by trucks. The landings of the harvester and the carrier should be restricted by a weekly limit.

Without a tiered system with weekly limits, transfers at sea would have to be eliminated. Fisheries managers need to have to tools to slow down the landings in 1a. Using mid-water trawlers as carriers, the current fleet has the ability to land the entire 1a quota in just a few days.

3.1.5 Small Mesh Bottom (SMBT) Fleet Days Out

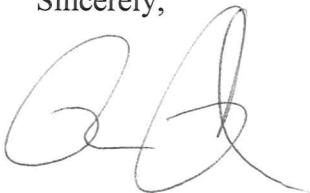
We believe that qualifying SMBT should have an additional Days out Program that matches better with their fishing effort. Many of these boats sell bait directly to lobstermen on an individual basis and should be allowed to continue to utilize this market.

3.1.6 Clarification of Days Out Procedure

The Days out program should be a consensus of the states of Maine, New Hampshire and Massachusetts. If an agreement has not been set by the beginning of the fishing season, then the landing days should default to seven days.

We support giving fishery managers the proper tools to effectively manage the quota in Area 1a. With harvester and mangers working together, we can successfully manage the 1a quota. Hopefully, ASMFC can come up a management system that helps the lobster industry without ruining the livelihood of the families that have depended and responsibly fished on herring for years.

Sincerely,



Ryan Raber



Ethan Chase
FV Western Sea
April 7, 2017

Hello Ashton,

Ethan Chase here from the FV Western Sea) These are the answers that represent how we all feel on the Western Sea, as well as our bait dealers and fellow boats.. We have worked hard to follow the rules and support the future of herring seining for decades!

Other fishers have been sustained by taking these measures. Rules based off historical participation is fare to those who have supported families and depend on this fishery here in Maine as a way of life. Thank you)

1. Yes, In favor of the tiered weekly landing limit
2. Tiered system should be based on the permit category and the harvesters landing history
3. there should be a 3 tiered system
4. Category A permits should be in tiers 1 and 2
5. Tier 1 should be based on whether a boat fished every year for the past ten years
6. N/A
7. Yes, each tier should be designated a portion of the seasonal quota
8. Yes, each tier should have a maximum allowable harvest per vessel

Addendum 1 items for consideration

1. Implement state vessel landing reports
choose option B
2. Prohibit landings of herring caught in area A during a day ut of the fishery
Choose option C
3. Weekly landing limit per vessel
Choose option C, but would like to include that once a vessel declare to opt in area 1Afor the second trimester they ar enot allowed to switch area during the trimester. If you are in, you are in.
4. landing restrictions on transfers At-Sea
Choose option B until tiered system is in place, to protect the fishery
5. Small mesh bottom trawl fleet days out
choose option B
6. clarify days out of procedure
choose option B2 for a consensus

Captain Shaun Rockett of the F/V Western Sea
Addendum 1 Items for Consideration

1. Implement State Vessel Landing Reports

Choose Option B

2. Prohibit Landings of Herring Caught in Area 1A During a Day Out of the Fishery

Choose Option C

3. Weekly Landing Limit Per Vessel

Choose Option C, but would like to include that once a vessel declares to opt into Area 1A for the 2nd Trimester they are not allowed to switch Area during the Trimester. If you are in, you are in.

4. Landing Restrictions on Transfers At-Sea

Choose Option B until the tiered system is in place, to protect the fishery

5. Small Mesh Bottom Trawl Fleet Days Out

Choose Option B

6. Clarify Days Out Procedure

Choose Option B2 for a consensus

Scoping Questions

1. Yes, in favor of the tiered weekly landing limit
2. Tiered system should be based on the Permit category and thye Harvesters landing History
3. There should be a 3 tiered system
4. Category A permits should in tiers 1and 2
5. Tier 1 should be based whether a boat fished every year for the past ten years
6. N/A
7. Yes, each tier should be designated a portion of the seasonal quota
8. Yes, each tier should have a maximum allowable harvest per vessel

RE: Draft Addendum 1 - Landing Restrictions on Transfer At-Sea 3.1.4 Restrictions

My name is Peter Mullen. I own F/V Western Wave a purse seiner in Maine since 1990. She is a purse seiner in Maine with history going back to 1984. We are a Maine corporation and paying taxes to the State of Maine for many years. We can only carry 4 and 1/2 trucks on my F/V Western Wave (harvester). I own F/V Osprey and has been a carrier for my Western Wave for years also in Maine. Osprey also has a Category 1 Federal permit. My request here is: I am asking for Option C be apart of the Addendum 1.

Please consider this in your decisions.

Much obliged.

Peter Mullen
Sprat Inc.
Cell 508 294 3606
Email: petersprat@aol.com



Massachusetts Lobstermen's Association, Inc.

8 Otis Place ~ Scituate, MA 02066
Bus. (781) 545-6984 Fax. (781) 545-7837

April 6, 2017

via: email aharp@asmfc.org

Atlantic States Marine Fisheries Commission
Ashton Harp
1050 North Highland St., Suite 200 A-N
Arlington, VA 22201

RE: Draft Addendum I

On behalf of its 1800 members, the Massachusetts Lobstermen's Association (MLA) respectfully submits this letter of comment on the Atlantic States Marine Fisheries Commission (ASMFC) Draft Addendum I to Amendment 3 to the Atlantic Herring Interstate Fishery Management Plan.

Established in 1963, the MLA is a member-driven organization that accepts and supports the interdependence of species conservation and the members' collective economic interests. The MLA continues to work conscientiously through the management process with the Division of Marine Fisheries, the Atlantic States Marine Fisheries, and the New England Fisheries Management Council to ensure the continued sustainability and profitability of the resource in which our fishermen are engaged in.

The primary use for Atlantic Herring is preferred bait for the commercial lobster industry as a whole. We are extremely concerned that the proposed management measures in Draft Addendum I would further restrict and prohibit the Massachusetts fleet that has diversified their fishing practices to keep them whole throughout the year.

3.1 Alternatives Developed by the PDT

3.1.1 Harvesting Reporting Requirements

The MLA supports **Option A: Status Quo**

Currently the states are required to implement weekly reporting by all non-federally permitted fishermen on Atlantic herring (including mobile and fixed gear).

3.1.5 Small Mesh Bottom Trawl (SMBT) Fleet Days Out

The MLA supports **Option B: Additional Days Out Program for Small Mesh Bottom Trawl Vessels with a Category C or D Permit**

If a vessel meets the following criteria it is eligible for a different allocation of landing days and times that are separate from restrictions in Section 4.2.4.2 Days Out. A vessel must hold 1) a Category C Limited Access Permit or Category D Open Access Permit, and 2) use small mesh bottom trawl gear to harvest herring. To opt into the differential small mesh bottom trawl Days Out program, eligible harvesters must submit a small mesh bottom trawl gear declaration to notify states of their intent to fish in Area 1A with small mesh bottom trawl gear 45 days prior to the start of the fishing season. The annual gear declaration will apply to Trimester 2 (June through September). The process to determine the small mesh bottom trawl days out of the fishery is described under Section 4.2.4.1.

All other herring harvesters that do not meet this criteria must comply with the landing day restrictions under Section 4.2.4.2 Days Out. If a Category C vessel switches to non-SMBT gear then that vessel must comply with the landing day restrictions under Section 4.2.4.2 Days Out.

3.1.6 Clarification of Days Out Procedure

The MLA supports **Options B1: Type of Agreement**

Add the following sentences to paragraph 2 under Status Quo.

States of Maine, New Hampshire and Massachusetts will vote on the parameters of the Days Out program. Each state is entitled to one vote.

The MLA supports **Options C1: Default Landing Day Scenario**

Add the following sentences to paragraph 2 under Status Quo.

The default landing day scenario, until an agreement is reached, is the previously agreed upon number of landings days or seven landing days if the number of landing days has not been set for the current fishing season. If the Section acts to close the Area 1A fishery then the allowable landing days are zero.

Scoping to Potentially Develop Options for a Future Management Document

4.1 Tiered Weekly Landing Limit

The MLA does not support any tiered weekly landing limits in Area 1A or any other herring management area. The Scoping questions proposed set the stage to eliminate those vessels that do not meet the “criteria” set by whom, the current 6-7 vessels in Area 1A. If the criteria are set by vessel length and or landing history this is yet another mechanism to eliminate certain vessels. These “potential scoping” questions are skewed and self serving. When there are other vessels from other states that have the right to fish in Area 1A why should they be eliminated when they too are providing lobster bait that is needed in other states?

Other comments and concerns

We therefore, encourage the Commission to continue to allow the Small Mesh Bottom Trawl Vessels with a Category C or D Permit continue to fish without interruption as our Massachusetts lobster fishermen depend greatly on having enough Atlantic Herring in order to conduct their lobster fishing operations. Most of their access comes from this diversified fleet of vessels based in Massachusetts. We must note that, none of the herring bait in Massachusetts comes from the Purse seine fleet.

In summary, the Massachusetts Lobstermen’s Association must reiterate that the continued supply Atlantic Herring bait is essential to the continued successes for the commercial lobster industry here in the Commonwealth. Any provisions that would further restrict our bait supply beyond the current confines, which we feel already limit access, will be strongly opposed by our lobster industry.

Thank you for the opportunity to comment and we sincerely hope and trust that the Atlantic States Marine Fisheries Commission will weigh all the alternatives and options ultimately making recommendations that will allow the continued supply of Atlantic Herring as lobster bait to be available to our lobster fishermen.

Kind regards,

Beth Casoni

Executive Director

My opinion on this addendum is as follows, I'm a retired engineer crew member herring fishermen this will help but isn't the answer to this big problem we have in this fishery I went to the meetings in the early 90s, tried to explain what was going to happen and was basically ignored. Feel free to contact me if you would like to hear my two cents. I see this still hasn't been resolved I have many friends still trying to make a living in this industry, it still weighs on my mind. This will help but still in my opinion still isn't the answer.

I'm in favor of of a tiered weekly landing limit.

Also tiered system based on permit category and the holders landing history.

Category A permits should be in tiers 1 and 2

Tier 1 should have only boats that have landings every year for at least 10yrs.

Each tier should have designated portion of seasonal quota.

Each tier should have a maximum allowable harvest per vessel.

Option B for landing reports.

Area 1A landings option C

Weekly landing limit per vessel option C also would like to see vessels not be allowed to switch areas.

Restrictions on transfers at sea

Bottom trawls days out, option B

Days out option B2

Thank you, J McLean

AXELSSON SEINER, INC.

Commercial Fishermen

738 Shunpike Road, Cape May, NJ 08204

Phone (609) 884-4855 Fax (609) 884-3521

To all interested parties of the Atlantic Herring Fishery

RE: Draft Addendum I to Amendment 3 to the Atlantic Herring Interstate Fishery Management Plan for Public Comment

My name is Paul Axelsson. I am a third generation American commercial fisherman. I am commenting for myself, my whole family, our crew members, purse seine vessel Opportune, and carry vessel Önnered. At present we employ eight people. They and their families are directly affected by our success and productivity.

Section 2.1 Statement of Problem

I do not have an issue with spreading the IA quota out during trimester II and fully understand the purpose to provide fresh herring for lobster bait.

3.1.2 Prohibit Landings of Herring caught in Area 1A During a Day Out of the Fishery

I prefer option A: Status Quo. I disagree with options B and C because it states "prohibited from possessing Atlantic herring from 1A during a day out", citing the Magnusson-Stevens Act National Standard 10 Safety of Life at Sea 600.355 "(a) standard 10. Conservation and Management measures shall, to the extent practicable, promote the safety of life at sea". Options B and C would force the fisherman to work weather that they would normally not consider. Also, if tied to the dock on time but not unloaded I think it is still possessing and considered unlawful in options B and C. So I ask to retain some flexibility to do our job safely and economically.

3.1.3 Weekly Landing Limit Per Vessel

I believe Option C seems the fairest way to go. If "A" permits are restricted to landing limits per week then so should "C" permits. Also, just a thought here on this subject: if we are going to do a weekly landing limit per vessel categories "A" and "C" then perhaps we could do away with the landing day restrictions all together. I understand that landing days are a traditional management measure for this fishery, but my thought would give the fisherman more flexibility while still providing fresh bait.

3.1.4 Landing Restrictions on Transfers at Sea

Our purse seine operation needs a carry boat and a catch boat to function. A carrier with no catch boat is useless, and vice versa. Our carry boat transports and refrigerates the product and has no gear on board. Our catch boat focuses on the capture of the fish and has the net and net hauling equipment on board. Therefore Option A: Status Quo is preferable to maintain flexibility. Option C we need to survive and Option B would put us out of business. I cite national standard 6 - 600.335 Variations and contingencies of the Magnusson Stevens Act "(a) Standard 6. Conservation and management measures shall take into account and allow for variations among contingencies in fisheries, fishery resources, and catches (C) variations. (1) In fishery

management terms, variations arise from biological, social and economic occurrences as well as from fishing practices".

I bring this to light not telling you what you may already know as managers, but just to ask to acknowledge our way of purse seining when the decisions are made.

3.1.6 Clarification of Day Out Procedure

I believe a consensus is better than a vote.

Section 4 Tiered Weekly Landing Limit

I strongly disagree with a tiered weekly landing limit! I believe that there are already three tiers within the Atlantic herring fishery. Two are tangible, one is not tangible. Federally the permits are tiered (1) geographically and (2) by capacity. The third intangible tier is the fact that you need the boats, the crew, permits, the "know how" and MAINLY the ambition to do the job. It takes many years to build something like this. A written law of more tiers clearly points to the fact that there are stakeholders that would like to create a monopoly for themselves and eliminate their competition with the use of political force. If optimum yield is not being attained in the fishery in all areas then how can this action be justified for just 1A? It sounds to me that this is based on economics.

600.330 National Standard 5 – Efficiency

(e) Economic allocation. This standard prohibits only those measures that distribute fishery resources among fisherman on the basis of economic factors alone, and that have economic allocation as their only purpose.

AN EXTRA TIER ? !

The Atlantic Herring Fishery encompasses more than just 1A. There are herring fisherman from North Carolina to Maine involved in the herring fishery. If properly permitted herring fisherman, I think, should be allowed to participate at the same level of capacity as the competition with the same permits.

If on a state level a tiered system was enacted on a Federal FMP then I believe that this would set a bad precedent and have negative impacts on this fishery and others in the future.

I ask for equal rights within the group of Atlantic herring fishermen. Who has the right if the bus isn't full to tell one person where to sit or where not to sit!

Sincerely,



Paul Axelsson
Captain/Owner F/V Opportune



Phone: (609) 884 - 7600 Fax: (609) 884 - 0664 lundsfish@lundsfish.com
997 Ocean Drive, Cape May, New Jersey 08204, U.S.A.

Email to: jreichle@lundsfish.com

April 7, 2017

Ms. Ashton Harp
Herring Fishery Management Plan Coordinator
ASMFC
1050 N. Highland St., Suite 200 A-N
Arlington, VA 22201 – by email: aharp@asmfc.org

Dear Ms. Harp:

On behalf of the 250 employees of our family-owned, vertically-integrated seafood processing facility and the crews (and their families) working on our company-owned boats and other commercial fishing vessels working from our dock in the Port of Cape May, I thank you for the opportunity to provide comments on Draft Addendum 1 to Amendment 3 of the Commission's Atlantic (Sea) Herring Plan. We also appreciate your holding a hearing at the Rutgers Extension office, and visiting us, during this process.

The addendum has been developed to improve the Area 1A fishery, in terms of providing bait to the lobster fishery into November, if possible. The proposed effort controls are designed to control the rate of Area 1A catch so the seasonal quota can be spread throughout the entirety of a the 3 trimesters, specifically Trimester 2 (June 1-September 30).

We support and understand the Commission's interest in doing this. The vessels that we manage, F/V Enterprise and F/V Retriever, have been involved in the Days-Out program since its beginning. However, after following this process closely in recent weeks, we believe it should be made clear that federal permit holders' history and access to all federal herring management areas, and quotas, will be retained if the Addendum moves ahead.

Also, we believe that all federal permit holders should be similarly limited to reach this goal; ask the TC to analyze catch by gear type and vessel type over a period of time and then reduce everyone's access to some percentage of their history, for example, in order to slow the Area 1A fishery down.

Our comments follow the order of issues as organized in the draft addendum:

Management Alternatives:

3.1.1 Harvester Reporting Requirements

Option A – Status Quo - States are required to implement weekly reporting by all non-federally permitted fishermen (mobile and fixed gear)

Option B – For 1A landings, in MA, NH and ME, state-permitted harvesters would submit state reports daily. Federally-permitted vessels would also have to make state reports. Harvesters with catches under 2000 pounds would report weekly through the IVR process

We are unsure why a Federally-permitted vessel should have to also report to the states since we have reported daily to NMFS through the IVR system, for some years. We don't understand why this coordination with the 3 states involved could not occur given the communications technology that exists today, rather than requiring two daily reports by Federally-permitted fishermen. If this cannot take place before summer, we can support providing a state report, also.

3.1.2 Prohibit Landings from Area 1A During a Day out of the Fishery

Option A – Status Quo – Harvesters prohibited from landing herring from Area 1A during a ‘day out’ and vessels may only land once per calendar day on any day open to landing. Fixed gear fishermen can land herring during a ‘day out’

Option B – All harvesters would be prohibited from landing or possessing herring caught from Area 1A during a day out of the fishery

Option C – Vessels with Category A limited access permits would be prohibited from landing or possessing herring caught from Area 1A during a day out of the fishery

We support the status quo and oppose the change that would eliminate fishing on a day out – doing so would further disrupt the regular flow of fish to the lobster fishery, while quota is available, and is not a reasonable solution to the perceived problem.

3.1.3 Weekly Landing Limit Per Vessel (pounds)

Option A – Status Quo – No weekly landing limits

Option B – Weekly harvester landing limit for vessels with a Category A permit. Harvesters would notify states of their intent to fish, and the gear they will be using, at least 45 days prior to the beginning of the fishing season (June 1 seine / October 1 trawl)

Option C – Weekly harvester landing limit for vessels with a Category A or C permit with 45 day notice of intent to fish required. Category C permits land less than 1% of the fish in Area 1A, according to the document

How can these be enforced? These options seem to be designed to discriminate between a small fleet of large, or ‘out-of-state’ federally permitted herring catching and carrying vessels. Any restrictions on catch during the 1A Trimester 2 fishery should be applied across all vessels with history in the fishery, equally, as recommended above.

3.1.4 Landing Restrictions on Transfers-at-Sea

Option A – Status Quo – A vessel with the proper federal permits can transfer or receive herring at sea

Option B – Herring caught in Area 1A can only be landed by the respective harvesting vessel

Option C – Herring carriers limited to receiving at-sea transfers from one harvester vessel per week and landing once in a 24-hour period

We can support Option C, limiting all carriers to loading once a week, although both this option and the option eliminating carriers entirely, which we strongly oppose, (Option B), will likely, seriously limit the flow of herring to the markets and will certainly lead to increased discards of herring in the purse seine fishery.

While the document seems to indicate there is an increasing trend in the use of carriers in the 1A herring fishery, we do not think the data supports that view. Carriers have long been the backbone of the herring fishery, particularly in the fixed gear and purse seine fisheries during the second trimester. We believe that any reduction in access to the resource by carriers should only be evenly distribute, as Option C proposes to do.

3.1.5 Small Mesh Bottom Trawl (SMBT) fleet days out

Option A – Status Quo – Days out program applies to all herring harvesters

Option B – Additional days out program for SMBT vessels with a Category C or D Permit

Given the fact that this fleet catches less than 1% of the sub-ACL, some days-out flexibility for them (as discussed in the document) may be of value in creating some additional flexibility in the marketplace. However, we strongly encourage the Commission to ensure regular, daily reporting to MA, ME, NH, consistent with the requirements of Section 3.1.1, above, for all directed herring fishing. This fleet should also be limited to landing once per day.

3.1.6 Clarification of Days Out Procedure

Option A – Status Quo – MA, NH & ME sets days out schedule by consensus, if possible...if no agreement, issue can go to the Section for a decision. Most discussion by conference call

Option B1 – Type of Agreement - would clarify that each state is entitled to one vote

Option B2 – Type of Agreement - would be through the consensus of the 3 states

Option C1 – Default Landing Day Scenario – until agreement, the previous number of landing days, or a default number of 7 landing days would prevail if the number of landings days has not been set for the new season

Option C2 – Default Landing Day Scenario – default landing days is zero until agreement is reached by the 3 states

We support options B1, B2 and C2 – we are not in support of starting any fishing year with a default value of 7 days (Option C1) as this option is not responsive to the need to stretch the herring quota out for the benefit of the seasonal lobster bait market. Defaulting to zero days would be of maximum effect, in our view.

4 / 4.1 Scoping to Potentially Develop Options for a Future Management Document / Tiered Weekly Landing Limit

Since the majority of the vessels in the GOM fishery hold Federal herring permits (see Tables 10 and 11), we are opposed to the Commission, or any individual state, potentially treating some federal permit holders differently than others, within the same permit category. Any future consideration of tiering access to the 1A fishery should take place in sync with the NEFMC, federal plan, and the Council should take the lead in a trailing action.

Tiering should be based on individual vessel and fleet landings history and any reduction in 1A catch should only be apportioned to all permitted vessels by equal percentage. This addendum should not eliminate fishing opportunities for some while increasing those that others may seek to acquire.

Thank you for your attention to and your consideration of our comments. Please do not hesitate to contact me if I can provide you with any additional information.

With best regards,

Jeff Reichle

Jeffrey B. Reichle
President
Lund's Fisheries, Inc.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

APR - 7 2017

Robert Beal
Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland St, Suite 200 A-N
Arlington, VA 22201

Dear Bob:

We are providing comments on draft Addendum I to Amendment 3 to the Interstate Fishery Management Plan for Atlantic Herring. In general, we support the Atlantic States Marine Fisheries Commission developing a range of additional management measures for the Area 1A fishery to ensure that herring bait is available to the lobster fishery. However, we are concerned that several of these measures may not be consistent with, or may substantially and adversely affect, the Federal Atlantic Herring Fishery Management Plan (Herring FMP) and associated regulations.

The Magnuson-Stevens Fishery Conservation and Management Act allows states to regulate fishing vessels outside of the state's boundaries when the vessel is registered under that state's laws and the state's laws and regulations are consistent with the fishery management plan and applicable Federal fishing regulations. States may regulate within their own boundaries fisheries that occur predominately in Federal waters as long as the regulations do not substantially and adversely affect carrying out a Federal fishery management plan. As currently described in Addendum I, we are concerned that two measures (Section 3.1.2: A prohibition of landings caught during a day out of the fishery; and Section 3.1.4: Landing restrictions on transfers at sea) would require a complementary Federal action because they propose to regulate the activity of vessels in Federal waters and may not be consistent with the Federal management plan. In addition, we believe that two other measures (section 3.1.3: Weekly landing limits; and section 3.1.5: Small-mesh bottom trawl fleet days out) are within the jurisdiction of the states to the extent that they regulate landings, but the measures might substantially and adversely affect carrying out the Federal Herring FMP to the degree that the landing limits substantially prevent vessels from achieving optimum yield. They also may create substantial inefficiencies for federally-permitted vessels.

As you consider public comment and select final management measures in Addendum I, we recommend that you consider how these measures could be made consistent with the Federal Herring FMP and avoid substantially adversely affecting federally-permitted vessels operating in the Federal fishery or make clear how these measures are consistent. If you find measures in Addendum I cannot be modified, we recommend that the Herring Section consult with the New England Fishery Management Council on initiating an action that would consider establishing complementary management measures for Federal waters.



Finally, Addendum I includes a measure that would potentially create duplicative Federal and state reporting requirements (section 3.1.1). Together, we should be working to minimize reporting requirements and burdens, to the extent possible. Therefore, we do not support the alternatives that create state reporting requirements. The addendum states this measure may be unnecessary if states could be granted access to vessel monitoring system catch and/or pre-land reports. While we are supportive of finding efficiencies within our reporting, the NOAA Office of Law Enforcement (OLE) has authority over granting access to these data. To date, OLE in Gloucester has not received the Commission's formal request for such information. Also, please keep in mind that information submitted to NMFS is confidential under the Magnuson-Stevens Act which allows states and marine fisheries commissions to access confidential information as necessary to further the Department of Commerce's mission. OLE will evaluate whether the pending request meets this requirement. Please submit your request to:

Tim Donovan, Assistant Director
NOAA Office of Law Enforcement, Northeast Division
55 Great Republic Drive
Gloucester, MA 01930

Thank you for the opportunity to provide these comments on Addendum I. We intend to follow the development and implementation of this management action and will continue to provide input and guidance, as needed. If you have any questions, please contact Carrie Nordeen at (978) 281-9272, carrie.nordeen@noaa.gov; or Allison Murphy at (978) 281-9122, allison.murphy@noaa.gov.

Sincerely,



John K. Bullard
Regional Administrator



cc: Tom Nies, NEFMC Executive Director
Ritchie White, Atlantic Herring Section Chairman
Aston Harp, Commission Fishery Management Plan Coordinator

ASMFC

We, the undersigned MA and NH fishermen and lobstermen, are very concerned with the unavailability of herring to our area of southern 1A during July through September.

There is a small but important traditional whiting fisheries that takes place in our area from July through October that only catches one percent of total allowable catch of herring in 1A. Due to more restrictive landing days being proposed, we support the exemption of small mesh bottom trawls from landing days in Draft Addendum 1, in the ATLANTIC HERRING INTERSTATE FISHERIES MANAGEMENT PLAN, sec 3.1.5, option B. Thank You.

	Boat Name	Print Name	Signature
1	YANKEE FISH COOP	MARVIN PERKINS	<i>Marvin Perkins</i>
2	Sheila Anne	Bob Nudd	<i>Bob Nudd</i>
3	FLY GIRLS	JIM TITONE	<i>James J. Titone</i>
4	SANDY LYNN	HORMAN TINE	<i>John Tine</i>
5	ELLEN DIANE	DAVID GOETHEL	<i>David Goethel</i>
6	Lady Jess	FRANCIS EMOUD	<i>Francis Emod</i>
7	DIXIE LYNN	Gregory Marshall	<i>Gregory Marshall</i>
8	DIXIE LYNN	CHARLES MARSHALL JR.	<i>Charles Marshall Jr.</i>
9	Ashleigh E	Richard Syphers	<i>Richard Syphers</i>
10	Wot Sig	Jeremy Ellwell	<i>Jeremy Ellwell</i>
11	MAKAYLA MAY	Mike Sprague	<i>Mike Sprague</i>
12	Heater Marie	Lesly-Verbit	<i>Lesly Verbit</i>
13	Ellen Diane	Ellen Goethel	<i>Ellen Goethel</i>
14	Western Sea	SHAUN ROCKETT	<i>Shaun Rockett</i>
15	Lady Tracy Ann	Mark Godfrey	<i>Mark Godfrey</i>
16	Providence	John-Paul Boudreau	<i>John-Paul Boudreau</i>
17	Sally Trachella	KEIKO FLANIGAN	<i>Keiko Flanigan</i>
18	Rough Times	Chris Adamaitis	<i>Chris Adamaitis</i>
19	ARTS & KEO	ERIK ANDERSON	<i>Erik Anderson</i>
20	SHARON ROSANNE	JOE GALTER	<i>Joe Galter</i>
21	HANNAH	SIMON JONES	<i>Simon Jones</i>
22	PREPATOR	FRED CLEWS	<i>Fred Clews</i>
23	Wendy Lee	Peter Flanigan	<i>Peter Flanigan</i>
24	Western Sea	CYBENY KABBINS	<i>Cybenny Kabbins</i>
25	Peter Kendall	Peter Kendall	<i>Peter Kendall</i>
26	Fly Girls	FRANK TITONE	<i>Frank Titone</i>
27	MADRIGAN	TAYLOR PHILLIPS	<i>Taylor Phillips</i>
28	Bertrice A	BILL MARCONI	<i>Bill Marconi</i>
29	Katie - RNE	VINCENT PRIEN	<i>Vincent Prien</i>
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APRIL 5
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AVE

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Submitted at the Massachusetts
Public Hearing, 4/5/17

ASMFC

We, the undersigned MA and NH fishermen and lobstermen, are very concerned with the unavailability of herring to our area of southern 1A during July through September.

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	Boat Name	Print Name	Signature
1	Arant Alexa	Scott Swickert	[Signature]
2	Annie Rowe	Dan Lowe	[Signature]
3	Jenny R	Scott Place	[Signature]
4	Eastbound	Kyle Grant	[Signature]
5	ORLOW	JOE BORELAND	[Signature]
6	TEJAT	ANDREW A DONSARICK III	[Signature]
7	MAMA TRIED	Daniel Mahoney	[Signature]
8	Capt Novelto	Marc Frontiero	[Signature]
9	Lar hidden zone	Robert Modica	[Signature]
10	Kathryn Leigh	William Brown	[Signature]
11	ARyanda D	ERIC JOSEPHSON	[Signature]
12	Dominatrix	Dean Mould	[Signature]
13	ELIN & GRAHAM	DAVID TOSY O'CONNELL	[Signature]
14	Abigail Marie	STEVE RAGUSA JR.	[Signature]
15	Miss Emily	Jimmy Santapaula Jr	[Signature]
16	Rhumbosil	COLBY EASTLOW	[Signature]
17	OLDE AMERICA	Ringbe Hillier	[Signature]
18	Windy	Adam Clay	[Signature]
19	Pumping Blind	Jerry McKay Jr.	[Signature]
20	NOEX	Ryan Bourne	[Signature]
21	DOG + I	John Herrick Jr.	[Signature]
22	FREEMANVILLE DOG	MICHAEL TUPPEN	[Signature]
23	STOP 32 SANTIAGO	DONALD SUTTON	[Signature]
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ASMFC

We, the undersigned MA and NH fishermen and lobstermen, are very concerned with the unavailability of herring to our area of southern 1A during July through September.

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	Boat Name	Print Name	Signature
1	MISS CARLA	WALTER SAWYER	[Signature]
2	MISS KELLY	SCOTT BAYNE	[Signature]
3	Kingfisher	Jack Lakeman	[Signature]
4	[Signature]	Anthony Scora	[Signature]
5	Jerry Mearns	JERRY NICASTRO	Rosa Lee
6	Scotin Girl	DON KING	[Signature]
7	David Shaffer	DAVID SHAFFER	CHLOE B
8	William W.	MIKE GOODWIN	[Signature]
9	ALLISON-CAROL	PETER MONDELLO	[Signature]
10	DAVE NOVELLO	DEAN DE GASTE	[Signature]
11	TULLY IV	JOE MONDELLO	[Signature]
12	LUCY C	Jon Mondello	[Signature]
13	At Cottage Sabrina	Al Cottone	[Signature]
14	MISS SANDY	VINCENZO SAORMINA	[Signature]
15	RAZZO I	Joe Randozzo	[Signature]
16	HARA Bottom	George HARRY	[Signature]
17	Flu Dunlin	Michael Frontiero	[Signature]
18	Camron D	Keith Amero	[Signature]
19	GONE FISHING	Gil Mitchell	[Signature]
20	DIANA LEE	Dave Ring	[Signature]
21	TERRI-LYNN	Bob Hannah	[Signature]
22	Nicholas Colby	David Lane	[Signature]
23	Rollins Thunder	Jeff Bartlett	[Signature]
24	Mark Ring	Mark Ring	[Signature]
25	Stanley Thomas	Matthew Ring	[Signature]
26	Sandollar	Anthony Gross	[Signature]
27	MAR-STINA	JAMES O. LANE	[Signature]
28	John Moores	Enrique	[Signature]
29	Michael	Josef Tuck	[Signature]
30	SANTO PTO	SOPHIA OCLANN	[Signature]
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Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

**Atlantic Herring
Advisory Panel Conference Call
April 10, 2017
10:00 – 12:00 p.m.**

Advisory Panel Members: Jeff Kaelin (Chair), Patrick Paquette, Shawn Joyce, Steve Weiner, Marybeth Tooley

ASMFC: Ashton Harp, Ritchie White (Section Chair)

The Atlantic States Marine Fisheries Commission's Atlantic Herring Advisory Panel (AP) met via conference call on April 10, 2017 to discuss the management alternatives in Draft Addendum I. The following summarizes the comments made by AP members on the call. Due to low attendance the comments made are not representative of the entire Advisory Panel, rather they are individual comments. There was a request by the Chair to re-populate the Atlantic Herring Advisory Panel at the May Section meeting.

SECTION 3: MANAGEMENT ALTERNATIVES

Issue 1: State Vessel Landing Reports

The discussion focused more on the applicability of VMS as an avenue for states to monitor the rate of catch, rather than the individual management options (A and B). It was noted that the Commission sent a letter to NOAA Fisheries, Office of Law Enforcement requesting access to VMS pre-trip landing reports for 3 state biologists. If access is granted the AP does not want access to be used for enforcement of any kind (the request was specific to landings information). A member asked if state law enforcement officers have access to VMS and later in the call someone confirmed (at least in NH) that they do have access.

One member noted that they would (reluctantly) comply with the reporting requirements in Option B if implemented.

One member, that is familiar with eTRips, said it is a helpful application that other fisheries along the east coast are already using.

One member commented that boats with federal permits are already reporting to NMFS on a daily basis through vessel trip reports (VTR) and do not want to report the same information twice (via a state report). Therefore, it is preferred that the Commission work with NOAA Fisheries to obtain the data.

Issue 2: Prohibit Landings of Herring Caught in Area 1A During a Day Out of the Fishery

Three members are in favor of *Option A. Status Quo*; there was opposition to restricting the possession of herring on a day out because the majority of fishing takes place in federal waters. Two of the three members believe the days out should be a tool for managers if needed, but if a weekly landing limit is implemented then harvesters should be allowed to land 7 days per week.

Issue 3: Weekly Landing Limit

The AP supports a weekly landing limit, but is opposed to the requirement that harvesters must declare into the Area 1A fishery 45 days prior to the start of the fishing season. The AP would prefer no declaration period. The AP questioned the purpose of the declaration for the following reasons:

- It does not restrict vessels to fishing in Area 1A
- It is relatively easy to know the number of vessels fishing per week because the Area 1A fishery is small
- It is not a good indicator of future effort; all vessels will declare
- The weekly landing limit will fluctuate based on the number of vessels fishing each week

Issue 4: Landing Restriction on Transfers At-Sea

There was support for *Option A. Status Quo* because the other options could lead to discarding. The members on the call think a weekly landing limit is a sufficient effort control and any restrictions on carriers are not necessary.

One person asked if *Option C* would put smaller carriers out of business, others commented that it likely would because the preference would shift to larger carriers.

One member voiced that they did not want harvesters, with the additional capacity of carriers, targeting and taking entire schools of herring. Another member voiced that it is not the goal of the harvester but if there is extra fish then they should be transferred to a carrier(s) instead of being dumped. Any option that has a chance of increasing discards should be avoided.

Issue 5: Small Mesh Bottom (SMBT) Trawl Days Out

The members on the call supported *Option B*, as long as the vessels were required to report their landings. For example, if state vessel landing reports are implemented then they should be required for all vessels.

Issue 6: Clarification of the Days Out Procedure

Two members preferred *Option B2. Consensus* because it required managers to discuss the issue in detail. Some members questioned *Option C2. Zero Days* because it has the potential to

shut down a federal fishery; whereas two members viewed it as an incentive for managers to come to an agreement and force a consensus.

SECTION 4: SCOPING QUESTIONS FOR A TIERED WEEKLY LANDING LIMIT

Two members of the AP are opposed to a tiered weekly landing limit because it is not consistent with the federal FMP. If this effort was to be considered then it should be initiated by NEFMC.



Atlantic States Marine Fisheries Commission

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703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

MEMORANDUM

March 28, 2017

To: Atlantic Herring Management Section
From: Law Enforcement Committee
RE: Review of Atlantic Herring Draft Addendum I

The Law Enforcement Committee (LEC) of the Atlantic States Marine Fisheries Commission (ASMFC) reviewed management options contained in Atlantic Herring Draft Addendum I during a teleconference meeting on March 17, 2017.

The following were in attendance:

LEC: Capt. Steve Anthony (NC); Dep. Chief Kurt Blanchard (RI); Capt. Grant Burton (FL); Maj. Rene Cloutier (ME); Lt. Mike Eastman (NH); Lt. Col. Larry Furlong (PA); Lt. Tom Gadomski (NY); Capt. Jamie Green (VA); Maj. Rob Kersey (MD); Capt. Bob Lynn (GA); Capt. Doug Messeck (DE); Katie Moore (USCG); Asst. SAC Jeff Ray (NOAA OLE); Capt. Jason Snellbaker (NJ)
STAFF: Ashton Harp; Megan Ware; Mark Robson

The LEC reviewed all of the management options in the draft addendum and provides the following comments.

Issue 1. Harvester Reporting Requirements

The LEC recommends the most timely and accurate reporting possible to enhance enforcement efforts (*ASMFC Guidelines for Resource Managers on the Enforceability of Fishery Management Measures, Second Ed., 2015*). State access to federal reports is important for timeliness. Maine reported success in implementing state reports and was able to regularly review email reports for carrier vessels.

Issue 2. Days Out

The LEC did not offer any comments or recommendations on the options in the draft.

Issue 3. Weekly Landing Limit

The LEC recommends establishing weekly landing limits in pounds and truckloads. Maine reported no significant problems with implementing a weekly landing limit. Their officers typically monitor landings by truckloads rather than by poundage, a more efficient process. They used an estimate of approximately 40,000 lbs./truckload. With timely access to reports, weekly landing limits can be enforced.

Issue 4. Restrictions on Transfers at Sea

The LEC believes that Option B is more enforceable than Option C, but recognizes this may place a hardship on carrier vessels that have operated for many years.

Issue 5. Days Out for Small-Mesh Bottom Trawl Vessels

The LEC is comfortable with adoption of Option B and did not believe an additional program for small-mesh bottom trawl vessels would be overly confusing from an enforcement perspective.

Issue 6. Clarification of Days Out Procedure

The LEC did not have any comments regarding this issue.

The LEC appreciates the opportunity to provide enforcement advice to the Atlantic Herring Management Section regarding Draft Addendum I.



Atlantic States Marine Fisheries Commission

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MEMORANDUM

April 18, 2017

To: Atlantic Herring Section
From: Tina Berger, Director of Communications
RE: Requesting Appointment of New Advisors

Attached is the current membership list for the Atlantic Herring Advisory Panel. Information on their interest in serving, attendance record and other pertinent details are provided following their contact information. You'll find that about half of the advisors are very active (5 out of 12), with remaining advisors predominantly inactive. Staff recommends that these inactive advisors be replaced. Two of the inactive advisors filled the non-traditional stakeholder seats; they have been removed due to their lack of participation since 2012. If the Section wishes, staff can solicit nominations for new non-traditional stakeholders.

There are also several vacancies on the AP: Maine has 2 vacancies (processor and at-large seat); Massachusetts has 1 vacancy (processor or bait dealer); New Jersey has 1 at-large vacancy. One Massachusetts advisor (Peter Moore) moved to Vermont and another (Stephen Weiner) has moved to Maine. Both advisors continue to hold a Massachusetts seats on the panel.

At your earliest convenience, please let us know what advisors you would like keep on the AP, as well as those you would like to replace. A fillable AP Nomination form can be accessed on the Commission website under Fisheries Management/Program Overview (Guiding Documents) or directly at http://www.asmfc.org/files/pub/ASMFC_AP_NominationForm_Fillable.pdf.

If you have any questions, please feel free to contact me at (703) 842-0749 or tberger@asmfc.org.

Enc.

cc: Ashton Harp

M17-39

ATLANTIC HERRING ADVISORY PANEL

Bolded names await approval by the Atlantic Herring Section
Bolded and italicized name denotes Advisory Panel Chair

April 19, 2017

Maine (6)

Jennie Bichrest (bait)
21 Sandy Acres Dr.
Topsham, ME 04086-5157
Phone: 207.841.1454
jennieplb@yahoo.com
Appt. Confirmed 3/26/97
Appt. Reconfirmed 10/1/01; 1/1/05; 5/10; 4/14
Attendance: Good (attended 3 out of the last 5 mtgs)

Glenn Robbins (comm/purse seine)
ME Seiners Assn F/V Western Sea
7 Alden Lane
Eliot, ME 03903-2102
Phone: 207.439.2079
robbins62@gmail.com
Appt. Confirmed 3/26/97
Appt. Reconfirmed 10/1/01; 1/1/05;
5/10; 4/14

Attendance: Poor (last mtg attended was in Dec. 2008); recommend replacement

Mary Beth Tooley (comm/mid-water trawl & purse seine)
415 Turnpike Dr.
Camden, ME 04843-4437
Phone: 207.763.4176
FAX: 207.837.3537
mbtooley@live.com
Appt. Confirmed 7/14/03
Appt. Reconfirmed 7/07; 4/14
Attendance: Good (attended 4 out of the last 5 mtgs)

John Stanley (comm inshore/stop seine, traps, rod & reel)
789 Indian Point Road
Mt. Desert, ME 04660
Phone (cell): 207.460.2395
Phone (eve): 207.244-7409
FAX: 207.244.3089
dogwood@acadia.net
Appt. Confirmed 5/4/15

Vacancies – Processor and at-large seat

New Hampshire (2)

Mike Anderson (comm. trawler)
10 Washington Road
Rye, NH 03870-0055
Phone: 603.436.4444
padi.anderson@gmail.com
Appt. Confirmed 8/18/09
Appt. Reconfirmed 5/14

Attendance: Poor (last mtg attended was in Feb. 2011; 9 mtgs have been held since then)

Shawn Joyce (rec)
270 Washington Road
Rye, NH 03870
Phone: 603.548.5267
sjoycemail@comcast.net
Appt. Confirmed 10/27/14
Attendance: Fair (attended 1 out of the last 3 mtgs; did attend the last mtg)

Massachusetts (4)

Peter Moore (comm/mid-water trawl)
MARACOOS
318 South College Ave.
Newark, DE 19711
moore@maracoos.org
Appt. Confirmed 7/14/03
Appt. Reconfirmed 8/07; 4/14
Attendance: Fair (attended 2 out of the last 5 mtgs)

- Was appointed by MA DMF; now lives in VT

Stephen B. Weiner (At-large, comm. bluefin tuna harpoon)
12 Judson Road
Andover, MA 01810
Phone: 978.764.3637
weinersb@gmail.com
Appt. Confirmed 8/18/09
Appt. Reconfirmed 4/14
Attendance: Excellent (attended 4 out of the last 5 meetings)

Captain Patrick Paquette (rec. & for-hire)
MA Striped Bass Association
61 Maple Street
Hyannis, MA 02601
Phone: 781.771.8374
BasicPatrick@aol.com
Appt. Confirmed 2/1/10
Appt. Reconfirmed 4/14
Attendance: Excellent (attended 4 out of the last 5 meetings)

Vacancy – Processor/bait dealer

Rhode Island (1)

Philip Ruhle Jr (At-large, comm. trawl – multispecies)
28 Serenity Way
Peacedale, RI 02879
Phone (cell): 401.265.8862
Phone (home): 401.792.0188
FAX: 401.788.8275
pruhle@cox.net
Appt. Confirmed 11/2/09
Attendance: Poor (attended 2 out of 13 meetings since appt; 2 mtgs attended were in 2015); recommend replacement

New York (1)

Mark Phillips (comm/otter trawl)
Seafood Harvesters Association
210 Atlantic Avenue
Greenport, NY 11944-1201
FAX: 631.477.8583
Appt. Confirmed 5/30/96
Appt. Reconfirmed 9/15/00; 1/23/06; 5/10
Attendance: Poor (has never attended a mtg); recommend replacement

New Jersey (3)

Greg DiDomenico (comm.)
Garden State Seafood Association
13103 Misty Glen Lane
Fairfax, VA 22033-5080
Phone: 609.898.1100
FAX: 609.898.6070
gregdi@voicenet.com
Appt. Confirmed 1/23/06
Attendance: Poor (attended 2 out of 16 mtgs since appt in 2006); recommend replacement

Chair – Jeff Kaelin (comm. trawl and purse seine) (5/12)

Lund's Fisheries, Inc.
997 Ocean Drive
Cape May, NJ 08204
Phone: 207.266.0440
Office: 609.884.7600 x213
jkaelin@lundsfish.com
Appt. Confirmed 8/18/09
Appt Reconfirmed 4/2014
Attendance: Excellent

Vacancy – At-large seat

Nontraditional Stakeholders (2 seats)



ATLANTIC STATES MARINE FISHERIES COMMISSION

Advisory Panel Nomination Form

This form is designed to help nominate Advisors to the Commission's Species Advisory Panels. The information on the returned form will be provided to the Commission's relevant species management board or section. Please answer the questions in the categories (All Nominees, Commercial Fisherman, Charter/Headboat Captain, Recreational Fisherman, Dealer/Processor, or Other Interested Parties) that pertain to the nominee's experience. If the nominee fits into more than one category, answer the questions for all categories that fit the situation. **Also, please fill in the sections which pertain to All Nominees (pages 1 and 2). In addition, nominee signatures are required to verify the provided information (page 4), and Commissioner signatures are requested to verify Commissioner consensus (page 4). Please print and use a black pen.**

Form submitted by: _____ State: _____
(your name)

Name of Nominee: _____

Address: _____

City, State, Zip: _____

Please provide the appropriate numbers where the nominee can be reached:

Phone (day): _____ Phone (evening): _____

FAX: _____ Email: _____

.....
FOR ALL NOMINEES:

1. Please list, in order of preference, the Advisory Panel for which you are nominating the above person.

1. _____

2. _____

3. _____

4. _____

2. Has the nominee been found in violation of criminal or civil federal fishery law or regulation or convicted of any felony or crime over the last three years?

yes _____ no _____

3. Is the nominee a member of any fishermen's organizations or clubs?

yes _____ no _____

If "yes," please list them below by name.

4. What kinds (species) of fish and/or shellfish has the nominee fished for during the past year?

5. What kinds (species) of fish and/or shellfish has the nominee fished for in the past?

FOR COMMERCIAL FISHERMEN:

1. How many years has the nominee been the commercial fishing business? _____ years
2. Is the nominee employed only in commercial fishing? yes_____ no_____
3. What is the predominant gear type used by the nominee?_____
4. What is the predominant geographic area fished by the nominee (i.e., inshore, offshore)?_____

FOR CHARTER/HEADBOAT CAPTAINS:

1. How long has the nominee been employed in the charter/headboat business? _____ years
2. Is the nominee employed only in the charter/headboat industry? yes _____ no_____
- If “no,” please list other type(s)of business(es) and/occupation(s):_____
- _____
3. How many years has the nominee lived in the home port community? _____ years
- If less than five years, please indicate the nominee’s previous home port community.
- _____

FOR RECREATIONAL FISHERMEN:

1. How long has the nominee engaged in recreational fishing? _____ years
2. Is the nominee working, or has the nominee ever worked in any area related to the fishing industry? yes _____ no _____

If "yes," please explain.

FOR SEAFOOD PROCESSORS & DEALERS:

1. How long has the nominee been employed in the business of seafood processing/dealing? _____ years
2. Is the nominee employed only in the business of seafood processing/dealing?
yes _____ no _____ If "no," please list other type(s) of business(es) and/or occupation(s):

3. How many years has the nominee lived in the home port community? _____ years
If less than five years, please indicate the nominee's previous home port community.

FOR OTHER INTERESTED PARTIES:

1. How long has the nominee been interested in fishing and/or fisheries management? _____ years
2. Is the nominee employed in the fishing business or the field of fisheries management?
yes _____ no _____

If "no," please list other type(s) of business(es) and/or occupation(s):

FOR ALL NOMINEES:

In the space provided below, please provide the Commission with any additional information which you feel would assist us in making choosing new Advisors. You may use as many pages as needed.

Nominee Signature: _____

Date:

Name: _____
(please print)

COMMISSIONERS SIGN-OFF (not required for non-traditional stakeholders)

State Director

State Legislator

Governor's Appointee