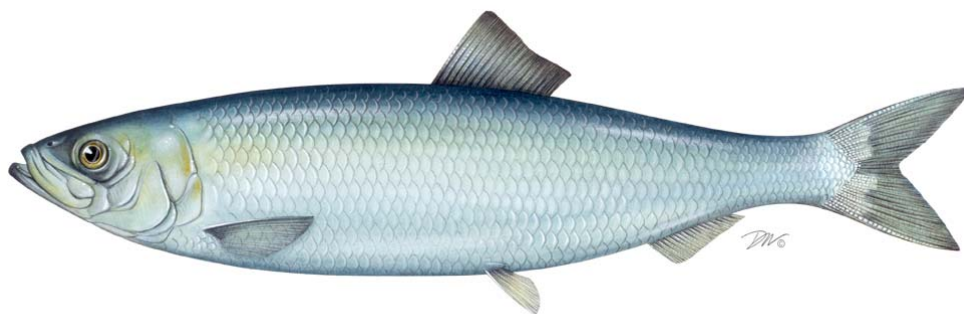




Summary of Comments to the Public Information Document for Draft Amendment 3



Presented to ASMFC Atlantic Herring Section

August 5, 2014

Issues Presented in PID



1. Spawning Area Efficacy (Area 1A)

Boundaries and default closure dates

2. Fixed Gear Set-Aside Provision

Rollover of unused set-aside after November 1

3. Gear Declaration

Requirement to declare gear before season

4. Empty Fish Hold Provision

Requirement to empty holds of fish before trips

Timeline



February 2014

Section tasks the Plan Development Team to develop Public Information Document

May 2014

Section receives the PID and considers approval for public comment

May – July 2014

Public Comment on the PID

 August 2014

Section reviews public comments, considers initiation of Draft Amendment

October 2014

Section reviews Draft Amendment for public comment

November 2014
– January 2015

Public comment on Draft Amendment

February 2015

Section reviews and approves Amendment

Summary of Public Hearings



3 Public hearings in ME, NH, and MA

23 Attendees

4 Comment letters

State	Fishermen	Govt (federal/ state)	NGO	Section Members	TOTAL
ME	10	1	0	0	11
MA	2	2	2	0	6
NH	4	0	0	2	6
TOTAL	16	3	2	2	23

Issue 1: Spawning Area Efficacy



Management Questions

- Are the existing spawning closure dates appropriate for protecting spawning herring? Is the default 4-week spawning closure sufficient to protect spawning herring in MA-NH area?
- If spawning herring is not detected with sufficient sampling, should there be a closure?
- Is commercial sampling sufficient for spawning analysis?

Issue 1: Spawning Area Efficacy



Plan Development Team Considerations

- Both programs track each other well and the combined dataset is well-suited to continue to informing the MA/NH spawning closure.
- PDT finds the current spawning area boundary for MA/NH area to be adequate and further sub-areas are not warranted. However, it recommends extending spawning closure by at least 2 weeks in the MA/NH area.
 - Gear bias due to spawning herring's vertical stratification

Issue 1: Spawning Area Efficacy



Comments

- MA and NH: Current regulations are sufficient to protect spawning herring.
 - Fishing Industry: No default closure if no spawning fish is detected with adequate sampling.
 - NGO: Strong reservations against removing default spawning closures.
- ME: Divide the MA-NH area. Would like to see a scientific assessment of mixing in MA-NH area.
- Any adjustments to boundaries should be supported by science.

Issue 1: Spawning Area Efficacy



Comments

- MA, NH, and ME: Fishing industry does not support a 6-week closure for MA-NH spawning area.
- NGO supports 6-week closure in MA-NH as a precautionary measure.
- PDT members' response (biological): Sampling protocol after initial closure is based on 25% fish still to spawn (not GSI). This is more susceptible to a gear bias.

Issue 1: Spawning Area Efficacy



Comments

- MA: spawning closures should be effective sooner than seven days after threshold is detected.
 - PDT members' response: the seven days after detection of spawning threshold considers:
 - Administrative process for states to publish announcements.
 - Rate at which female herring ripen.

Issue 1: Spawning Area Efficacy



Comments

- Commission should advance spawning protections in Georges Bank/Nantucket Shoals
 - Submit request for NEFMC and NOAA Fisheries via Draft Omnibus Habitat Amendment 2

Issue 2: Fixed Gear Set-Aside



Management Questions

- Should portions of the fixed gear set-aside that are not harvested by November 1 be made available to all fishing fleets in Area 1A for the remainder of the calendar year?
- Should the Atlantic Herring Section decide on whether the fixed-gear set-aside will be available to the Area 1A sub-quota during the specifications process each year?

Issue 2: Fixed Gear Set-Aside



Plan Development Team Considerations

- No biological basis for or against adjusting fixed gear set-aside provision.
- Historically, sea herring migrate off the coast of Maine by November.
- Fixed gear landings have not fully utilized set aside in past 10 years.
- If fixed gear set-aside is exceeded, can still access total Area 1A sub-quota.
- If adjusted, state and federal rules would be inconsistent.

Issue 2: Fixed Gear Set-Aside



Comments

- MA, NH, and written: maintain status quo
- ME: adjust the current provision
 - Set-aside available in Trimester 1
 - Exempt from spawning closures, but still prohibit possession of spawning fish

Issue 3: Gear Declaration



Management Questions

- Should there be a requirement for vessel owners to declare their intended fishing gear in advance of a quota period?
- When and how will vessel owners declare their intended gear? Who will enforce compliance to the gear declarations?
- What happens when vessel owners decide to change their gear of choice before the trip?
- Will vessel owners be able to declare more than one gear and area?

Issue 3: Gear Declaration



Plan Development Team Considerations

- PDT does not recommend requiring gear declaration at this time.
- Requires a system by each state to collect gear declaration and enforce compliance.
- Needs considerations for fishermen who may wish to fish with multiple gears or in multiple areas.
- Information is not necessary to make projections for harvest control measures.

Issue 3: Gear Declaration



Comments

- All comments were strongly against a gear declaration requirement; current system (“days out”) works.
- ME: It is more important to know the capacity of vessels rather than gear types.
 - Recommend a cap on carrying capacity (ex. 200-250 metric tons).

Issue 4: Empty Fish Hold Provision



Management Questions

- Should vessel's fish hold be empty of fish prior to departure for an Atlantic herring fishing trip?
- What are the enforcement considerations?
- What considerations should be made for unforeseen circumstances that hinder or prevent sales of the fish (ex. a waiver to be issued for refrigeration failure and non-marketable reported fish)?

Issue 4: Empty Fish Hold Provision



Plan Development Team Considerations

- The PDT recognizes fishermen may have surplus catch that cannot be sold and is a challenge to dispose.
- The proposed requirement to empty vessel holds of fish may be an incentive to curb wasteful fishing practices and harvest more efficiently to meet market demands.
- Could eliminate the practice of keeping fish in a hold from one fishing trip and mixing with catch from another trip.
- Needs considerations for enforcement, unforeseen events that make it impossible to sell fish, and vessels that land at multiple ports.

Issue 4: Empty Fish Hold Provision



Comments

- All comments support an empty fish hold provision.
 - There should be a limit on waivers (2).
- PDT notes provision may not be necessary in interstate FMP if federal plan implements the measure.
 - Does not recommend a limit on waivers

Other Issues



Comments

- Commission should advance spawning protections in Georges Bank/Nantucket Shoals
 - Submit request for NEFMC and NOAA Fisheries via Draft Omnibus Habitat Amendment 2
- Keep in mind the status is not overfished, not experiencing overfishing

Recap of Public Comments



1. Spawning Area Efficacy

Maintain area boundaries, maintain 4-week closure in MA-NH, remove default closure dates, work with federal agencies on offshore spawning protections

2. Fixed Gear Set-Aside Provision

Most comments do not support adjusting, except participants in Maine.

3. Gear Declaration

No supporting comments (focus on capacity).

4. Empty Fish Hold Provision

All comments in favor.



Questions?

