

Meeting Summary Atlantic Herring Section

**January 25, 2006
Hotel Providence
Providence, RI**

Meeting Staff: Ruth Christiansen (ASMFC); Bob Beal (ASMFC)

Meeting Attendees: Eric Smith, Chair (CT DEP); Lori Steele (NEFMC); David Pierce (MA DMF); Bill Adler (MA Gov. Appt.); Vito J. Calomo (MA Leg. Proxy); Jeffrey Marston (NH F&G – Law Enforcement); Rep. Dennis Abbott (NH Leg. Appt.); John Nelson (NH F&G); G. Ritchie White (NH Gov. Appt.); Erling Berg (NJ Gov. Appt.); Bruce Freeman (NJ Marine Fisheries); Pat White (ME Gov. Appt.); George Lapointe (ME DMR); Matt Cieri (ME DMR); Mark Gibson (RI DEM)

Public Participants: Peter Moore (APA); Dave Ellenton (Cape Seafoods, Inc. and Western Sea Fishing Co.); Jim Kendall (NBSC/NORPEL); Terry Stockwell (ME DMR); Mary Beth Tooley (ECPA); Jeff Kaelin (F/V Providian and M/V Atl. Frost); Gregory DiDomenico (GSSA); Rich Ruais (ECTA); Geir Monsen (Seafreeze Ltd.); Peter Mullen (Western Venture); Eric Dolin (NMFS)

The Atlantic States Marine Fisheries Commission (ASMFC) Atlantic Herring Section met on January 25, 2006 in Providence, Rhode Island with the primary purpose of approving final management measures for Amendment 2 to the Interstate Fishery Management Plan (FMP) for Atlantic Herring. There were 15 issues under consideration during the course of this meeting. For Management Area Boundaries, the Section voted to redefine Management Areas 1B, 2, and 3, resulting in a larger area covered by Management Area 3. For Biological Reference Points, the Section voted in favor of a 220,000 mt MSY as a precautionary placeholder until the next stock assessment for Atlantic herring is complete. For Determining the Distribution of Area-Specific Total Allowable Catches (TACs), the Section voted in favor of allowing for the consideration of other analytical approaches during the fishery specification process. The Section also voted to approve a tri-annual specification process. Regarding Research Set-Asides, the Section approved a TAC set-aside of 0-3% to support herring-related research. Research set-asides are in addition to the current 5% set-aside for incidental catch once the directed fishery in a management area closes. ASMFC and the New England Fishery Management Council (NEFMC) will work together to coordinate allocation of research set-asides in state and Federal waters. In addition, the Section voted to prohibit Internal Waters Processing (IWPs) operations in all state waters.

For Bycatch Information and Monitoring, the Section voted to approve a recommendation to states for complementary bycatch information and monitoring provisions as outlined in the New England Fishery Management Council's Amendment 1 to the Federal FMP for Atlantic Herring. This management measure simply recommends that each state develop a bycatch monitoring program for state-only permitted vessels participating in the directed herring fishery. If the NEFMC implements bycatch caps for the herring fishery, the Section may initiate an addendum via adaptive management to modify the Interstate program so it is complementary to Federal regulations.

Regarding Effort Control Measures, the Section voted to adopt the Days Out Measure as it is currently being implemented by states. Under this measure, fixed gear fisheries are exempt from the days out provision and off-loading of herring is permitted during 'days out' of the fishery; the intent of the provision to have herring vessels at the dock at the time the restriction is set to begin. In addition, the Section maintained the status quo of allowing vessels with an Atlantic herring permit to participate in other fisheries for other species in restricted areas during the days out provision. In response to the possibility of sector formation in the herring fishery under Amendment 1 to the Federal FMP for Atlantic Herring, ASMFC may initiate the development of an addendum to address modifications to and/or exemptions from the effort control/days out program.

Under spawning restrictions, the Section voted to maintain the status quo for inshore Gulf of Maine spawning areas. For spawning tolerance, the Section approved the zero tolerance provision prohibiting any vessel from fishing for, taking, landing, or possessing spawn herring from or within a restricted spawning area. The Section also approved an exemption from spawning restrictions for East of Cutler fixed gear fisheries.

For Downeast Maine fixed gear fisheries, the Section voted to include the catch from the Downeast Maine fixed gear fishery (east of Cutler) as part of the assumed catch from the New Brunswick weir fishery and therefore not counted against the Area 1A TAC. The Section also approved a 500 mt TAC set-aside for fixed gear fisheries west of Cutler in Area 1A. This set-aside will be available to fixed gear fishermen until November 1; if it has not been utilized by that time, it will then be made available to the remainder of the herring fleet in Area 1A until the directed fishery in 1A closes. If 95% of the Area 1A TAC has already been reached by November 1 and the directed fishery is therefore closed, the set-aside will be released as part of the 5% set-aside for incidental catch in 1A. Under both of the above provisions, fixed gear fishermen are required to report their herring catches through the Interactive Voice Response (IVR) reporting system; however, the Section recognized the time needed for Maine legislature to take necessary action in order to implement this reporting provision.

With the above management measures selected and necessary modifications pending, the Atlantic Herring Section voted to approve Amendment 2 to the Interstate FMP for Atlantic Herring, including the adoption of a January 1-December 31 fishing year, default spawning closures and dates, and a prohibition of directed mealing. With approval of Amendment 2, states must submit programs to implement Amendment 2 for approval by the Section by April 1, 2006. States with approved management programs must implement Amendment 2 by January 1, 2007 or earlier if approved by the Section. The only exception given to these compliance dates will be for the use of the IVR system by fixed gear fishermen (see above paragraph).

At the conclusion of the meeting, the Atlantic Herring Section gave consideration to the process of initiating an addendum to implement a landings restriction on Atlantic herring taken by midwater trawl gear from Area 1A, effective June 1, 2006. A motion was made that the Section request ASMFC allocate resources and authorize initiation of an addendum to the Interstate FMP that would adopt the NEFMC's June 1-September 30 purse seine/fixed gear only area. This motion failed.

Atlantic Herring Section Meeting Motions

**January 25, 2006
Providence, RI**

Move to approve Issue 1 (Management Area Boundaries), Option 2; Issue 2 (Biological Reference Points), Option 2; Issue 5 (Determining Distribution of Area TACs), Option 2; Issue 7 (Research Set-Asides), Option 2; and Issue 13 (Internal Waters Processing), Option 3. Issue 7 will be approved conditionally and can be revisited by polling of Section or ASMFC business meeting on February 23 to consider Council's final action. Motion by Mr. Nelson; second by Pat White. Motion carries.

Move to accept Option 2 of Issue 3 (Bycatch Information and Monitoring). Motion by Mr. Lapointe; second by Mr. Nelson. Motion carries.

Move to adopt Option 3 of Issue 6 (Planning Horizon). Motion by Mr. Nelson; second by Mr. Lapointe. Motion carries.

Move to adopt Option 2, including 2a and excluding 2b, of Issue 8 (Effort Control Measures). Motion by Mr. Lapointe; second by Mr. Abbott. Motion carries.

Move to adopt Option 5a of Issue 8. Motion by Mr. Lapointe; second by Dr. Pierce. Motion carries.

Move to adopt Option 1 of Issue 9 (Spawning Restrictions). Motion by Mr. Nelson; second by Mr. Lapointe. Motion carries.

Move to adopt Option 2 of Issue 11 (Spawning Tolerance). Motion by Dr. Pierce; second by Mr. Abbott. Motion carries.

Move to adopt Option 1 of Issue 12 (Other Spawning Area Considerations). Motion by Mr. Lapointe; second by Dr. Pierce. Motion carries.

Move to adopt Option 2 of Issue 14 (Downeast Maine Fixed Gear Fisheries). Motion by Mr. Lapointe; second by Mr. Freeman. Motion carries.

Move to adopt Option 3 of Issue 14 (Downeast Maine Fixed Gear Fisheries) with wording consistent with page 20 of New England Council Proposed Action and Rationale. Motion by Mr. Lapointe; second by Mr. Freeman. Motion carries.

Move to approve Amendment 2 as modified today with corrections as outlined by the Chairman and including compliance schedule. Motion by Mr. Lapointe; second by Mr. Calomo. Motion carries.

Move that Section request the Commission allocate resources and authorize initiation of an Addendum to the Atlantic Herring FMP that would adopt the Council's June 1-September 30 purse seine/fixed gear only area. Closure will begin on June 1, 2006. Motion by Dr. Pierce; second by Mr. Abbott. Motion fails.