

Atlantic States Marine Fisheries Commission
Atlantic Herring Advisory Panel

Draft Amendment 3 to the Atlantic Herring FMP
Taunton, Massachusetts
January 6, 2015

Participants

Jeff Kaelin, Patrick Paquette, Philip Ruhle, Mary Beth Tooley, Stephen Weiner, Madeleine Hall-Arber, Melissa Yuen, Jennie Bichrest (via conference call)

Meeting Summary

The Atlantic States Marine Fisheries Commission's (Commission's) Atlantic Herring Advisory Panel met in Taunton, MA on January 6, 2015 to discuss Draft Amendment 3. Currently, the Atlantic Herring Plan Development Team (PDT) is developing Draft Amendment 3 for three proposed issues listed below. The Section will be considering the draft amendment for public comment at its meeting on February 3, 2015. The PDT worked with the AP to assess the socioeconomic impacts on each of the proposed issues. In October 2014, the AP held a conference call to discuss each issue and provide input on industry support. At this meeting on January 6, the AP continued exploring options for Draft Amendment 3.

Draft Amendment 3 will propose management options for three issues (below). Note that the draft amendment will include status quo options.

- 1) An option to extend the spawning area closure for the Massachusetts-New Hampshire Spawning Area from four weeks to six weeks. This option is subject to change based on the PDT's new analysis on spawning efficacy.
- 2) An option to remove the fixed gear set-aside rollover provision, which will give access to fixed gear fishery after November 1.
- 3) An option to require Category A/B vessel holds to be empty of fish prior to a fishing trip departure.

Staff provided an update on the progress of Draft Amendment 3 and reviewed the AP report from its October 6 conference call. The AP maintains the same position for each of the three proposed issues and provided additional input.

Issue 1: Spawning Area Closure in Massachusetts-New Hampshire Area

Current management measures mandate a spawning area closure will resume for an additional two weeks if spawning fish are detected after the fishery re-opens (ex. a closure was extended in 2012). A proposed management option in Draft Amendment 3 is to extend the default closure period from four weeks to six weeks (additional options may be developed based on the PDT's spawning analysis).

AP members continue to unanimously support the status quo option with continued sampling by the commercial fishery, and closure when triggered by significant levels of ripe fish. Arbitrary closure is not necessary. Closures may force mid-water trawlers to displace towards the north-

east and fish on smaller fish. There is no biological need for additional spawning protection because the SSB is way above target and threshold (2012 stock assessment). Would like to see more analysis to justify a 6-week spawning closure. Commercial sampling is not sufficient.

The AP discussed reinstating a tolerance for spawning fish. One benefit for a tolerance is the opportunity to collect samples of herring for gonadosomatic index analysis used to inform the spawning area closures. A tolerance is not expected to increase fishing pressure during spawning events because there is no market for spawn (and feeding) fish; spawn herring is known to decay more rapidly and is not favored by bait dealers and users. The AP requested the PDT to explore this program.

Staff informed the AP that the PDT has completed analysis of herring spawning efficacy and will be discussing the results during its meeting on January 7. AP members were encouraged to listen in on the PDT meeting. Staff scheduled a conference call on January 21 to provide a review of the PDT meeting.

Issue 2: Fixed Gear Rollover

The federal and state FMPs, which are consistent, allow for a 500 MT fixed gear set aside. Currently, specifications are 295 MT, with set-aside expiring on October 31. Based on recent observations of herring after November 1, fixed gear fishermen have asked for the rollover provision to be removed so they can continue fishing through the remainder of the year, until the TAC has been reached.

The AP does not believe adjusting the current fixed gear rollover provision is necessary at this time. The fixed gear set-aside is a very small amount, therefore not too many people will join this fishery. The proposed measure may create an allocation issue. In the past decade, there has been no fixed gear landings from November to December. Therefore, there is no justification for using resources to implement adjustments in the federal and interstate plans at this time.

Issue 3: Empty Fish Hold Provision

NEFMC's Framework 4 proposed this issue. Council approved and submitted to NMFS.

Waivers can be issued for instances in which fish cannot be disposed of shoreside (non-marketable fish, refrigeration failure, vessels that land at multiple ports). Waiver is intended to mitigate potential costs associated with disposing unwanted catch, and also to provide a mechanism to better enforce proposed requirement.

AP is supportive of the empty fish hold requirement. It maintains the recommendation for no limit to the number of waivers at this time, to be consistent with federal. To address concerns raised by state and federal law enforcement officers, the AP commented that refrigeration failure events are rare. This measure may help tighten up and discourage wasteful fishing practices by a few individuals. The AP discussed reasons in which a vessel may not be able to offload herring after a trip. Some vessels, particularly smaller vessels, may not have pumps on board, but the

ports where herring vessels offload typically have pumps on the dock. The AP suggested adding an additional option that specifies ability to pump fish off the vessel:

Issue 3, Option 3: Empty Fish Hold Provision: [*This option is similar to Option 2, with the additional underlined text*] This option would require that fish holds on Category A/B Atlantic herring vessels with ability to pump fish are empty of fish before leaving the dock on any trip when declared into the Atlantic herring fishery. A waiver may be issued for instances when there are a pumpable quantity of fish in the hold as determined by an appropriate law enforcement officer (the intent is for waivers to be issued for refrigeration failure and non-marketable fish that have been reported by the vessel). Only vessels departing on a fishing trip (i.e. declared into the fishery) are required to have holds empty of fish. As such, waivers would not be required for vessels transporting fish from dock to dock.

Other Business

Staff informed the AP that the Commission received a nomination for a new AP member, John Stanley, a fixed-gear fisherman from Maine. The Section will consider approval at the February Meeting.

Atlantic States Marine Fisheries Commission
Law Enforcement Committee
Report on
Draft Amendment 3 to the Atlantic Herring FMP

The Law Enforcement Committee reviewed the empty fish holds provision proposed in Draft Amendment 3 to the Atlantic Herring FMP. The purpose of the review is to determine if there are concerns with the proposed requirement for vessels to empty hold of fish prior to departing on a fishing trip. The LEC believes the proposal is reasonable. The only certification required of a law enforcement officer would be instances for issuance of a waiver for boats re-entering the fishery with fish in the holds. Law enforcement officers would not have to certify every herring boat trip. Based on guidance from the advisory panel, instances when a waiver would be needed (i.e. refrigeration failure) occurs rarely, therefore the demands on law enforcement officers should not be burdensome.