

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of the Ad Hoc Herring Panel
June 27, 2012 6:30 pm
Hazard Room, URI Bay Campus, Narragansett, RI

The meeting convened at 6:45 PM with the following people in attendance:

Robert Ballou (RB), RIDEM
Jason McNamee (JM), RIDEM (Chair)
John Lake (JL), RIDEM
Rich Fuka (RF), RI Fisherman's Alliance
George Allen (GA), RIFMC
Glenn Goodwin (GG), F/V Persistence & F/V Relentless
Geir Munson (GM), Seafreeze LTD
Caroline Karp (CK), Brown University
Dan Costa (DC), RIDEM Coastal Resources
Mary Beth Tooley (MB), New Bedford Fleet

The meeting commenced with JM explaining that the RIMFC had been polled but there had not been a volunteer to chair the meeting, therefore he volunteered to chair the meeting that evening. Next JL gave a presentation on Atl Herring Stock Status, NEFSC Amendment 5, and potential management options for state waters (see attached). Of the 4 potential management options laid out in the presentation the RIDFW indicated that the option to exercise the control date of 12/31/07 on the Midwater/pair trawl (MWPT) endorsement would be the most appropriate way to limit participants in the state waters fishery. Under this option only those license holders that had Atl. Herring landings between 2005 and 2007 would be allowed to renew their MWPT endorsement. JL explained that this option would shut out license holders that had only recent landings.

At the end of the presentation general questions were answered. CK asked if we knew what markets herring caught in RI went to. The panel indicated that the majority of the landings go for bait or to canneries (mostly in the US but some Canadian exports), some herring is used as pet food. CK felt that the ultimate disposition and location of the herring should be tracked and that it should be sold as food whenever possible for the purposes of food security. MB asked if the RI vessels participating in the SMAST river herring avoidance study were given exemptions to possess river herring. The answer was no exemptions were given and the zero possession rule applies to all vessels landing in RI. A discussion on data collection limitations ensued. JL explained that although we have access to catch and effort data it is difficult to tease out whether herring are caught in state or federal waters in season. Location data is taken from vessel trip reports (VTRs) which have a time lag of availability. JL explained that some of the landings data can be questionable when the catch is landed out of state. Items such as RI license number are not available and matching dealer landings to VTRs to determine the person fishing in RI and the location of the catch are two elements that are difficult to infer in a timely fashion. Even with VTRs, narrowing down the location of the catch to state waters is difficult as stat area 539 (RI coastal waters and Narr Bay) consists of both state and federal waters. DC commented that some of the dealers coming into RI likely did not have RI dealer licenses and that may contribute to missing landings or miss appropriated landings. The group agreed that putting together the data should not be as hard as it is, but noted similar difficulties with other fisheries.

Next the 2012 season and potential management strategies were discussed. RB stated three issues with the state waters fishery:

Gear conflicts within and external to the herring fishery

Area 2 closing early

Fish caught in RI not being landed in RI.

GA and RF both noted that river herring bycatch should also be considered an issue for discussion. MB and GG stated that this year was a rare occurrence and that usually the fish move down the coast over time instead of staying in RI waters all winter. This resulted in all of the vessels operating in a very small area. It was noted by the majority of the group that the behavior of some of the pair trawling vessels from out of state was a major factor this year and was the main contributor to the gear conflicts. With the exception of these vessels the other vessels fished responsibly and were in communication with each other to ensure some level of fairness and safety. CK brought up another issue which was that the ACL may not consider the ecological role of Atl. Herring in the food web and the consequences of the catch dispositions that send it away from our region. She noted that ecosystem management is an important consideration and that management bodies should move away from single species management. MB pointed out that the next herring benchmark assessment (2012) does take into account ecosystem factors and addresses herring importance as a prey species. RB pointed out that RI does take these things into consideration for other species in state waters, i.e. menhaden, but it would be difficult to manage the herring fishery in RI waters in the same manner.

Next the group gave their recommendations on how to go forward with management of Atl. Herring in state waters. DC had stated that vessels fishing herring in state waters should be required to land the fish in RI. This would give more of an economic benefit to the state from the fishery and make it so the vessels participating in the fishery interact more and thus become more courteous of each other. RB noted that interstate commerce laws would likely not allow this approach.

RF presented a written recommendation from Jim Ruhle, a local herring fisherman, who could not attend the meeting (attached). The Ruhle proposal suggests that the state manage area 2 similar to how it is done in area 1 by opening and closing the fishing based on considerations of the rate of harvest, fish present, and weather. JL asked what the time frame is for setting the days out in area one. MB stated that it was generally 4 weeks in advance and managed several times during the season. RF presented another option from Gerry Carvalho who also could not attend (attached). This proposal would ban pair trawling in RI between November and February. GM noted that RI fishermen were the original pair trawling innovators in our area back in the 70's and that we were that vessels that had gear conflicts with regional fishermen, it is a traditional fishery. This was worked out with communication within the fleet. RF went on to say that he sees the merits of both proposals he also would support the DC recommendation if it is not prohibited by commerce laws. DC stated that neither of those options would prevent the bad players in the fishery to return to state waters and that behavior is at the core of the problem which is difficult to address. JM stated that the state could not simply ban a couple of individuals and stated that equitable management is required in this case, thus the reason for the options put forward by the DFW in the presentation. MB suggested looking into reciprocity with the states of origin of the fleet and that there may be an opportunity there for rulemaking. She pointed out that the state of NH, for example, does not allow trawling in their state waters.

GG gave his recommendation next. He stated that 2012 was a rare event and we should be happy to have such a bounty of fish and that we shouldn't limit ourselves with regulations that may prevent RI fishermen from capitalizing on good fishing years. He noted that river herring are recovering and that the recent article in the local paper is biased and negative towards the herring fleet who does not want to catch river herring as a bycatch either because of the problems it creates. He also noted that several boats are dropping out of the local fishery and moving elsewhere in the country. He does not recommend any new management at this time.

CK gave her recommendation next, noting that research and management is shifting to look at baselines and ecosystem considerations. Research has suggested that single system management reduces the trophic hierarchy of a system and results in new assemblages of species, notably jellyfish and other pelagic invertebrates. She stresses that bycatch can have far reaching consequences and that banning pair trawling would help this because that method of fishing has potential for the largest bycatch by volume. Additionally she suggested that auctioning off shares in the quota would help to limit participation and foster stakeholder stewardship of the fishery.

GA gave his recommendation next. He supports the 100% observer on Cat a/b/c vessels as well as the approach of avoiding hotspots of river herring bycatch proposed by amendment 5. He stresses the need to address river herring bycatch as river herring are an important resource to the state. He points out that 2 % river herring bycatch in the herring fishery amounts to 700k pounds which could have large impacts on local discrete populations whose numbers are at low levels.

MB gave her recommendation next, she agrees with GG that no new management be pursued at this time. She stated that her company has been fishing in RI for a long time and in fact landed in RI prior to the river herring prohibition. She stated that they never have any problems with RI fishermen because they communicate on the water and work in cooperation with them. Changing the behavior of the “bad actors” is at the heart of solving many of the gear issues. She suggested more communication between vessels and if that fails more enforcement actions. She stated that some federal permits require captains to take a class for education and awareness to the requirements and that it may be appropriate. She pointed out that banning pair trawling does not address the bycatch issue because fishing would still take place and all gears have the same potential to catch river herring. In response to a suggestion made by CK on auctioning off of the quota, she stated that if quota was auctioned off it would raise the price of herring and have negative impacts on the lobster industry. She also said that she would consider landing her fish in RI but has concerns about the river herring moratorium.

GM gave his recommendation next, he agrees that we have too many regulations on the fishery already and more would not be helpful. He stated that responsible industry working with the states is the solution. He stated that making more rules may have the unintended consequence of limiting RI fishermen’s capitalizing on abundant fish in state waters. He strongly stated that herring markets should not consider the disposition of the fish and that herring be sold with out restriction. He stated that river herring bycatch is being addressed and supports the avoidance strategy, economically it is in the herring fishery’s best interest to have no river herring bycatch.

After recommendations had finished RB reiterated that forcing fish to be landed in state waters was likely not an option due to commerce laws. He will look into stepping up enforcement and will consider a meeting with OLE/USCG and industry prior to the season. He asked if state waters have a threshold of carrying capacity of vessels that participate in the fishery. The panel responded that it is not an issue if all participants communicate and take turns setting into the schools. Having no other business the meeting concluded at 9 pm.

RIMFC Ad Hoc Atlantic Herring Advisory Panel

June 27, 2012



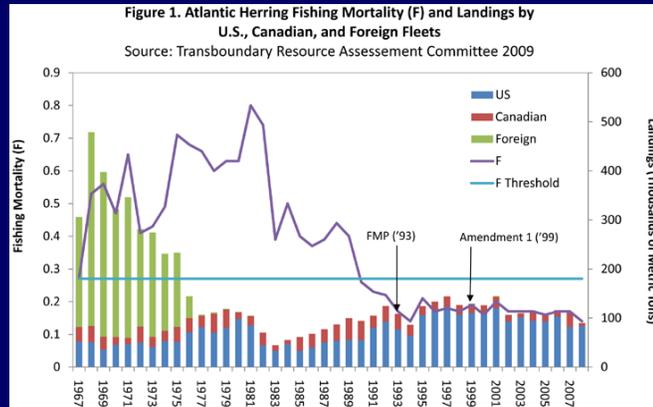
Introduction

- The current meeting was convened to discuss Atlantic herring management in state waters
- There are currently little to no regulations governing the taking of Atlantic herring in RI with the following exceptions:
 - A vessel length and horsepower limit restriction
 - A mid-water/pair trawl endorsement if those gear types are being used
 - The state mirrors federal closures by area
- A group at the DFW discussed various mechanisms that could be used to better monitor and regulate this fishery while in state waters
- The group came up with four main categories of management options, which are itemized in this presentation with rationale



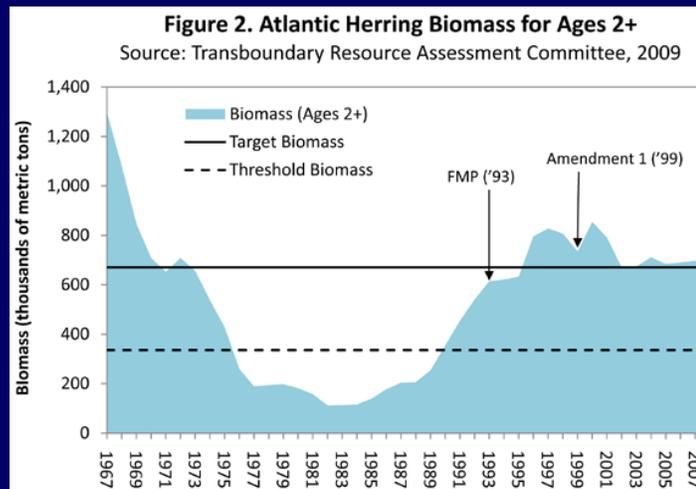
Atlantic Herring Stock Status

- 2009 TRAC assessment update found that the stock is not overfished and overfishing is not occurring
- 2009 Fishing Mortality: $F = 0.14$ is less than $F_{MSY}=0.27$

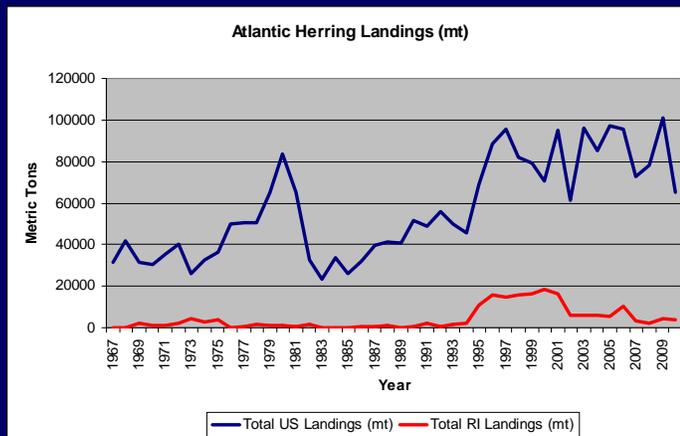


Atlantic Herring Stock Status (Cont)

- 2009 Biomass: $B = 652,000$ mt close to $B_{MSY} = 670,600$ mt



US Atlantic Herring Landings



NEFMC Amendment 5, Atlantic Herring FMP

- Primary Purpose:
 - Collect real-time, accurate data via changes to reporting and fishery management
 - Enhance at-sea monitoring and sampling of herring catch
 - Address by-catch issues (emphasis on river herring) through responsible management



Recommended Adjustments to the Herring FMP (Sec 3.1)

- Redefine “transfer at sea” and “offload”
- Clarify VMS requirements as well as possession limits for multiple vessel operations and provisions for at-sea transfers
- Create an at-sea herring dealer permit
- Modify pre-trip and landing notification requirements
- Require dealers to accurately weigh all fish
- Allow higher incidental possession limit (20,000 lbs) to mackerel permit holders



Recommended Catch Monitoring: At-Sea (Sec 3.2)

- Require 100% observer coverage on limited access herring vessels (Categories A/B/C)
- Funding of observers shared between NOAA Fisheries and industry with a maximum cost to industry of \$325 per sea day
- Allow State Agencies to act as service providers
- If no observer within 24 hours of a trip a waiver will be granted provided no river herring protection measures are in place in that area
- Implement additional measures to improve at sea sampling
- Addresses net slippage events allowing 10 per trip



ASMFC / RIDFW Management

- Mirrors NEFMC regulations for Area 2 (SNE)
- Area 2 managed on a quota / ACL system
- RIDFW regulations limit vessels harvesting Atlantic herring to 165 feet in overall length and 3000 horsepower
- Mid-water/pair trawlers must have a specific license endorsement (MWPT)



Background

- In 2012, 11 vessels fished for and landed herring in RI
- These 11 vessels were captained by 14 fishermen
- Landings ranged from 1 lbs to 639,169 lbs, average of 59,966 lbs per trip
- These statistics represent what was landed in RI, but there was a significant amount of herring removed from state waters that was landed out of state
- There were only a few of these vessels in number, but the volume of landings from these vessels was very high
- The herring that was landed in RI were roughly 46% of all the fish harvested in state waters, 54% of all the herring harvested in state waters was sent out of state (note: these proportions are a best approximation based on various data sources)
- There are many unknowns involved with the vessels that are harvesting in RI waters but then landing in other states:
 - Who the licensed captain was
 - Exact poundage harvested



Move in to Restricted Species Endorsement Category

- This would limit the fishery to :
 - Multipurpose
 - PEL with restricted finfish endorsement
 - State residents with FLANDR or MPLAND permits (landing only)
- This would reduce the pool of eligible participants from its open and unrestricted access status, fixing number of eligible people
- Based on 2011, this would not impact the existing fishery that is landing in RI, with two unknown participants
- The effect on those landing herring out of state is unknown
- Will not solve the presumed issue of an out of state vessel hiring an eligible license holder while fishing in state waters
- There is potential for unintended consequences as the number of non restricted endorsement holders who may have harvested herring at some point during the year was unclear
- Bycatch of prohibited species (i.e. river herring) may provide a viable justification for the restricted categorization



Develop a Set of Traditional Management Rules for Atlantic Herring

- *Quota*
- Out of state landings would not be impacted by the existence of a quota.
- All fishers would be impacted if there were a state waters closure
- There would be difficulties in the justification for developing a quota such as:
 - Why develop a quota on a species that is not currently in a stressed stock status
 - How would you set the quota, would it be by a historical period of time, an average of landings over a number of years, etc.



Develop a Set of Traditional Management Rules for Atlantic Herring

• *Possession Limits*

- Might not be effective because it would have to be set at a high level in an effort to not impact the current state waters fishery

- A possession limit could increase effort:

- existing boats might fish more frequently to make up for the inefficiencies due to the possession limit

- A tiered possession limit strategy could be employed keeping non restricted finfish endorsement holders to a ½ possession limit of herring

- The DFW cautions that this may have little to no effect on constraining the fishery due to the unknown status of the vessels that land out of state



Develop a Set of Traditional Management Rules for Atlantic Herring

• *Closed Areas*

- The use of closed areas would be difficult because the areas could not be made large enough to be effective

- Consolidating vessels in to smaller areas could create both a safety concern as well as a potentially increasing bycatch of species like river herring the effort would be concentrated so if bycatch were to occur in an area, there would be more vessels involved



Equipment Restrictions

- Equipment restrictions could consist of vessel length, vessel capacity, vessel horse power, gear type/size, etc
- The DFW feels that setting limits like this without supporting evidence is arbitrary
- Two potential justifications:
 - Safety - having several very large boats operating in close proximity was inherently dangerous
 - Monitoring – some vessels are so large they can not be boarded by state enforcement vessels
- Biological components to consider, is there localized depletion?
 - The DFW is not aware that this is an issue or could be quantified without a large amount of work.



Exercise Control Date on Mid-Water Pair Trawl (MWPT) Endorsement

- There is a control date for this endorsement; December 31, 2007
- Research could be done to generate the list of active fishermen landing herring in RI from this date retrospectively to 2005 through SAFIS
- If enacted only vessels who can document state landings from 2005 through 2007 could continue to maintain their MWPT endorsement
- Would impact any fisherman that did not have a state landing during this period, but it would only impact their ability to use a mid-water or pair trawl
- There are concerns about reciprocity issues with other states
- This approach keeps with the philosophy of natural resources removed from state waters should benefit the state
- Even if it was landed in RI and is then shipped out of state, commerce was done in the state between the fisherman and the seafood dealer, and there will most likely be ancillary benefits such as purchase of fuel, purchase of ice and food, boat repairs, work for shore side handlers, etc.



Conclusions

.The DFW has outlined a number of options with enough detail to make an informed decision

.The DFW would be willing to conduct any further research deemed necessary

.The DFW notes a number of easy steps that could be taken to help clarify some existing rules:

.Relevant sections of licensing regulations for reporting and documentation requirements could be amended for clarity

.Permitting and documentation could be checked prior to allowing a vessel to commence fishing

.Given the above information, the DFW feels that exercising the control date on the mid-water/pair trawl endorsement may be a useful option to consider



.The DFW would like to re-emphasize that very little is known about the vessels that are landing out of state therefore caution should be exercised when developing new or additional rules as there could be unintended consequences, or no impact at all from the changes.