

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

World Golf Village Renaissance
St. Augustine, Florida
November 2, 2015

Approved February 2, 2016

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ATTENDANCE

Section Members

Pat Keliher, ME (AA)	Dave Simpson, CT (AA)
Terry Stockwell, ME, Administrative proxy	Dr. Lance Stewart, CT (GA)
Sen. Brian Langley, ME (LA)	Rep. Craig Miner, CT (LA)
Doug Grout, NH (AA)	Pat Augustine, NY, proxy for Sen. Boyle (LA)
G. Ritchie White, NH (GA)	Emerson Hasbrouck, NY (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Steve Heins, NY, proxy for J. Gilmore (AA)
Rep. Sarah Peake, MA (LA)	Adam Nowalsky, NJ, proxy for Asm. Sgt. Andrzejczak (LA)
David Pierce, MA (AA)	Tom Baum, NJ, proxy for D. Chanda (AA)
Bill Adler, MA (GA)	Tom Fote, NJ (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Michael Pentony, NMFS
David Borden, RI (GA)	
Mark Gibson, RI, proxy for J. Coit (AA)	

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

Ex-Officio Members

Jeff Kaelin, Advisory Panel Chair

Renee Zobel, Technical Committee Chair

Staff

Robert Beal
Toni Kerns

Ashton Harp
Max Appelman

Guests

Tom Moore, NJ, ASMFC Leg. Proxy

The Atlantic Herring Section of the Atlantic States Marine Fisheries Commission convened in the St. Augustine Ballroom of the World Golf Village Renaissance, St. Augustine, Florida, November 2, 2015, and was called to order at 11:00 o'clock a.m. by Chairman Terry Stockwell.

CALL TO ORDER

CHAIRMAN TERRY STOCKWELL: Good morning, everyone. We're going to convene the Herring Section to order. I'm Terry Stockwell, the Chair of the Section. I would like to welcome Steve Heins from the great state of New York to the table. One general announcement is that meeting-specific proxies cannot vote on final actions; we have one today.

APPROVAL OF AGENDA

CHAIRMAN STOCKELL: Approval of the agenda; I will note that under Item Number 5, there will be a report from the AP. Are there any other edits or changes to the agenda? Seeing none; the agenda is approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN STOCKELL: Are there any comments or edits to the proceedings from our meeting in August 2015? Seeing none; I'll consider the proceedings approved.

PUBLIC COMMENT

CHAIRMAN STOCKELL: There are no public that were listed. Is there anyone from the public who would like to comment on items that are not on the agenda? Seeing none; we're going to move right into the 2016-2018 herring specifications. I'll turn that over to Ashton.

2016-2018 ATLANTIC HERRING FISHERY SPECIFICATIONS

MS. ASHTON HARP: We will move into the 2016 through 2018 specifications for the Atlantic Herring Fishery. Based on the 2015 operational assessment, the herring stock was rebuilt and overfishing is not occurring. Given this information, the SSC recommended an

acceptable biological catch of 111,000 metric tons. The probability of overfishing is 50 percent in Year 3.

There is a zero percent probability of overfishing for the stock over all three years. Now you will see the table that is the New England Fishery Management Council's recommended specifications. It aligns with the SSC's recommended ABC of 111,000 metric tons, which is a modest increase from the previous ABC.

The management uncertainty is set at 6,200 metric tons; and this was also in the 2015 fishing year. It represents the catch from the New Brunswick Weir Fishery. The stock-wide annual catch limit, which represents the difference between the ABC and the management uncertainty is set at 104,800 metric tons. There are status quo allocations and seasonal splits. In Area 1A 100 percent of the sub-allocation is allotted for June through December in this design.

The status quo is for 3 percent research set-aside and the fixed-gear set-aside is also at 295 metric tons. There was an option that the council voted on; and this option is for New Brunswick Weir Fishery payback. If landings through October 1st are less than 4,000 metric tons out of that 6,200 allotted metric tons; then NMFS can allocate an additional 1,000 metric tons back to the Area 1A fishery. This would raise the ACL to 105,800 metric tons if it is allotted for that year.

That was approved by the council or recommended by the council. Just as a reminder for the 2015 Area 1 seasonal allocations, for Trimester 2 we also have June 1st through September 30th 72.8 percent of the quota; Trimester 3, from October through December, is 27.2 percent of the quota. Area 1 will close when 92 percent of the total Sub-ACL has been harvested. This is just a quick review of the specifications that were voted on at the council and that we will ask you guys to discuss today.

CHAIRMAN STOCKELL: Questions? Ritchie and then Pat.

MR. G. RITCHIE WHITE: Mr. Chairman, a question on the research set-aside; I remember last year when we were at this meeting and there were calls about boats out fishing after 1A was closed and it was the research set-aside. Evidently some states were not informed about that. The question is, what is the involvement in the states with that research aside; do we have any decision in the process and are we informed when it is being implemented?

CHAIRMAN STOCKWELL: I'm going to help Ashton out a little bit. The news that we got last year at this very same time was in reference to the two-year RSA, which was the 2014 and 2015 RSA Program. The council approved and if this commission approves an RSA for the next three-year specification package, it goes out through an open bid. We do not participate in the review of the bids that come in.

MR. WHITE: So will there be any harvest this year under RSA?

CHAIRMAN STOCKWELL: The Area 1A will officially close in 55 minutes and RSA landings will be able to continue until the RSA is taken between now and the end of the calendar year.

MR. WHITE: And again as far as notification – I'm asking this because some of my constituents, lobstermen are wondering, okay, is this the end of the fishing in the area where they have lobster gear or will it start up again? How do I answer that?

CHAIRMAN STOCKWELL: Each of the states have landing agreements with the vessels and with SMAST as a contractor for the RSA; and part of the agreement is for the states to be notified. I can only speak for Maine. Our landing permits are distributed to our marine patrol; and we distribute that information to the fishermen. I'm sure that Doug has some sort of similar program and David as well. Pat.

MR. PATRICK AUGUSTINE: Could you please go back a couple of slides where you had said that NMFS was going to – less than 4,000 metric had been caught; they're going to allocate an additional thousand metric tons; is that an arbitrary number or what is that going to do and why couldn't they have more? Maybe it is a dumb question, but it is 4,000 versus 1,000.

MS. HARP: I'm slowly remembering back to the Herring Committee meeting. I think that was because they weren't sure how much – because of the delay in kind of landings' reports; that they wanted to be more conservative and they thought a thousand metric tons was being conservative but also allowing enough to be put back since they weren't always using the allotted amount every year.

MR. AUGUSTINE: It just seems unusual that if you have 4,000 metric tons available, they're going to allow a thousand metric tons. Why couldn't they not increase to four, particularly in fact I think that's a very aggressive fishery and they probably could sell it all. I think we need that question answered. I'd almost suggest why could not they go and increase it maybe to 2,500 or even 3,000.

CHAIRMAN STOCKWELL: Doug, do you want to address that as the X Herring Chair?

MR. DOUGLAS E. GROUT: Well, I came in halfway through your discussion because I was having another sidebar here. The concern here is the change between the ABC and the ACL to account for management uncertainty; and there was concern on the part of the council that we not cut this too close.

The New Brunswick Weir Fishery has not been landing in very recent years that many – a very small poundage level of what they had historically; but it could go back, and so our concern here was we wanted to make sure that there was enough difference between the ABC and the ACL to take into consideration that little buffer of how much they were going to land.

They have landed tens of thousands of pounds going back ten years ago.

MR. AUGUSTINE: Well, again, it just seems like a lost opportunity particularly in view of the status of the stock. It seems like it is almost not being arbitrary about it but it is almost an arbitrary number. We think it might or we think they might – if I were a weir fisherman, I would probably say why not more?

Again, if we're doing it for safety measures and ensuring that we don't catch more than we should at this particular point in time, that's it; but, again, I think that jumps right out at you and says, golly, gee whiz, we could go to four and you're giving me a thousand. Just a question, Mr. Chairman.

CHAIRMAN STOCKWELL: Are there other questions for Ashton? Seeing none; I think we should divide her presentation into two motions. Doug.

MR. GROUT: **I have a motion to move to approve the 2016 to 2018 Atlantic Herring Specifications as recommended by the New England Fishery Management Council. I will have a follow-up motion addressing 1A specifically.**

CHAIRMAN STOCKWELL: Seconded by Mark Gibson. Is there discussion on the motion on the board? Bill.

MR. WILLIAM A. ADLER: In reading this over, are we talking about a reduction in the quotas overall here on this Page 10 that I'm looking at? Is that a reduction from this year going forward; and if so, why?

CHAIRMAN STOCKWELL: It is a slight reduction. I don't know off the top of my head but it is around 11,000 tons per year, but it is on a three-year specification process because of the projections that came out of the most recent stock assessment. Jeff just sidebarred me it is down from 114 to 111. David.

MR. DAVID V.D. BORDEN: This is a very quick point, Mr. Chairman. I can support the motion. I think it is logical, but I would just flag the issue for the commission. The way this system works is the Canadian catch essentially comes off the top. This has always been the way that we've handled this issue.

Embedded in this process is this system where if the Canadians go back to harvesting the resource that they traditionally harvest – they have harvested as much as 40,000 metric tons in the New Brunswick Weir Fishery – the sub-ACL for Area 1 would be zero if they went back to it. Their long-term catch is 18,000 tons; their catch last year was about 2,000 tons.

As Doug correctly pointed out, they're at the low end of their range; but there is nothing that inhibits them from going back. The only reason I raise this is I think we really need to, at some point – and it would probably fall in the hands of the New England Council – is get some discussions on some kind of sharing arrangement so that doesn't happen.

DR. DAVID PIERCE: Thank you to that point. That's been a long-standing concern of mine regarding what the Canadians might take and we give them whatever we think they might take. There is no other alternative to that. It is with mackerel, it is with sea herring, and, yes, indeed, there have some discussions in previous years, even recently, that maybe we need some understanding with the Canadians as to how we should share this resource, especially if suddenly their catch in the fixed-gear fishery spikes up for whatever reason.

My understanding is that the Canadians are not interested in any sort of discussion; so as it stands, it is what it is; and the National Marine Fisheries Service will continue to be obliged – I guess obliged is the right word – to subtract off whatever we think the Canadians will catch. It penalizes the U.S. industry and there is no consequence for the Canadians.

Fortunately, we've been lucky relative to what they have been projected to take and what they've actually taken; and all we can do now is keep our fingers crossed that they don't have a catch that is of significance. Once it happens, then our U.S. industry in 1A notably will be dramatically impacted be it sea herring or mackerel. There is nothing we can do at the ASMFC level. We can continue to work on it at the council level; but again unless there has been a change of heart by the Canadians, there will be no understanding and no sharing.

CHAIRMAN STOCKWELL: Other comments on the motion on the board? Seeing none, short caucus and then we'll move the question.

(Whereupon, a caucus was held.)

CHAIRMAN STOCKWELL: **Is everybody ready? Those who support the motion on the board, please indicate so. That would be unanimous; seven, zero, zero.** Doug.

MR. GROUT: **Here is my follow-up motion for Area 1A. It is moved to allocate the 2016 Area 1A TAC seasonally with a 72.8 percent available from June through September and 27.2 percent allocated from October through December. The fishery will close when 92 percent of the seasonal period quota has been harvested; and underages from June through September may be rolled into the October through December period.**

CHAIRMAN GROUT: Motion made by Doug Grout; seconded by Bill Adler. If this motion looks familiar it is because it is the same one we supported at least two years in a row. Is there any discussion from the section? Seeing none; is there any need to caucus? Seeing none; those who support the motion on the board, please indicate so.

MS. TONI KERNS: Terry, this is final action so either there needs to be a roll call vote or if there is no objection, then your roll call is done automatically.

CHAIRMAN STOCKWELL: **Thank you for the correction. Is there objection to the motion on the board? Seeing none; the motion carries.**

CONSIDERATION OF DRAFT AMENDMENT 3 FOR PUBLIC COMMENT

CHAIRMAN STOCKWELL: We're moving on to the next agenda item, which is consideration of Draft Amendment 3 for Public Comment. This is an action item. Ritchie.

MR. WHITE: Before you move on, I don't think I was clear in my question about the RSA. Doug informed me that the states are informed about landing but we're not informed about fishing. That's my concern. I have constituents that remove lobster gear to prepare for the midwater trawlers when 1A opens after the spawning closure and then they want to put it back out. The question is will they see midwater boats again; and if so, when and what boats. That's the concern; will the states have more detailed information about when the RSA will be fished, by whom and when?

CHAIRMAN STOCKWELL: I'm going to defer your answer to Jeff Kaelin, whose company participates in the RSA.

MR. JEFF KAELIN: Yes; this year again we're going to go into the Gulf of Maine and take the RSA. That has already started, I think, Ritchie. There should be better communication to the states from Brad and the shoreside monitoring people. They're the ones who we communicate with to get started. We did agree to stay out of the cod-spawning areas Dr. Pierce identified last year again year. Those charts are going out to the fleet right now.

The companies involved have agreed to share the cost of that fish, and we're buying it ahead of time now. I think each of us have been allocated something like 174,000 tons or something like that out of that 3 percent RSA. That fishing is beginning right now. I think we're optimistic that we'll find mackerel again like we did last year. If there is a deficit in communication, we really

need to make sure that the shoreside monitoring people are giving you the information that you need. I think we are going to fish and hopefully avoid gear conflicts, but I think we're already in there fishing, Ritchie, right now.

DR. PIERCE: Just one clarification; the boats are not exempt from the spawning closure. They're exempt from the days for fishing or landing, that is, but not from the spawning closure. However, the spawning closure did expire I think November 2nd, today, so it didn't play a role this year. It could in other years but not this year.

REVIEW REVISED OPTIONS FOR DRAFT AMENDMENT 3

CHAIRMAN STOCKWELL: Is there any further discussion? Seeing none; we're moving on to Draft Amendment 3. Ashton.

MS. HARP: I'm going to review the options for Draft Amendment 3. These are revised options that you guys have seen previously and I provided them in the supplemental material. The guidance that the PDT received at the August board meeting was to develop options to protect spawning fish by prohibiting the landing of Atlantic herring caught within specific spawning areas. The PDT used this to develop specifically the Issue 1, Spawning Area Efficacy Options, to revise them.

I'm going to just review Issue 1, Spawning Area Efficacy Options, the new and revised options; Issue 2, Fixed-Gear Set-Aside Provision Adjustment. There were no revisions made to the one option in there. Issue 3, Empty Fish Hold Provision, there are new options within this category. Section 2.1, spawning area closure monitoring system, corresponds to the technical aspect of when to issue a spawning area closure. It is based on the female gonadal somatic index commonly known as GSI.

The current system leaves room for improvement because it was developed in the nineties with limited data to develop the critical parameters. Therefore, the PDT analyzed over

ten years' worth of GSI data and noticed that there is variability in the onset of spawning from year to year. For the minimize-timing concerns, an updated GSI system was developed by the PDT.

It was designed to pick up on inter-annual differences, to identify if it is going to be an early or a late year and close the fishery appropriately; also relying most heavily on default dates. As you will see on here, we have Option A, status quo. So just in summary, currently we get two consecutive samples consisting of 100 adult female fish within seven days. They're put into separate size bins and GSI is analyzed, and that would trigger a spawning area closure.

Option B is the status quo with adjustments. On here we kind of moved it – initially in the status quo it says commercial catch samples. We extended that to not only include commercial catch but also fishery-independent samples as well; so it is fishery-independent and dependent samples would be allowed for this program just to provide state biologists with the best access for data.

It is not to say that we would move over to independent samples. It is just to say that if they're available, then that would be helpful for them to use. Option B also says the fishery will remain open if sufficient samples are available but they do not contain female herring in ICNAF Gonadal Stages III through V.

The PDT would like to draw some caution to this option specifically because since we don't have herring-independent sampling program, there might be instances where the default date – this would negate the default dates and therefore certain spawning areas would not close. Option C is a GSI30-based forecast system. This is the updated system that I previously talked about. Also, a technical report was presented earlier this year about it.

Originally it was thought that the different size classes of fish have different maximum GSIs for

spawning, which is why we in the status quo have two separate size bins. After review of the data, it appears that is not the case. The PDT found that regardless of size, all herring have this similar maximum GSI. It provides evidence that the average size of herring decreases as the spawning season progresses; meaning that larger fish spawn first.

The system standardized this to a 30 centimeter fish, which is a larger fish; so therefore a spawning area closure would be initiated based on when larger fish spawn first. Because they spawn first, that's when the closure would start. It would be based on a minimum of three samples, each containing at least 25 female herring in ICNAF Gonadal Stages III through V.

Once the forecasted closure date is within five days, the spawning closure will be announced. Default closure dates; right now we have Option A as the status quo. If we do not have sufficient samples to close the fishery, meaning we don't have samples that include adult-sized female fish or if there is not vessels fishing in a spawning area closure, then default dates would apply. Eastern Maine is August 15th; Western Maine, September 1st; Massachusetts/New Hampshire, September 21st.

The next option is Option B with three sub-options, and this relates back to the forecasting system that I just talked about; so now they developed trigger values associated with it. The first one is a 70 percentile GSI 30 trigger value of 23. This closes the fishery at an earlier date to provide more protection for maturing fish. If default dates were needed – although hopefully the PDT does not think that they would be needed considering we're looking at how fish mature using this forecasting date; but if they were needed, Eastern Maine would close on August 28th, Western Maine on September 21st, Massachusetts/New Hampshire on September 21st. If a tristate option, which I'll present next, it will also be September 25th for all.

The mean trigger dates were calculated for the period 2004 through 2013, using the formula and trigger values that were described in the GSI 30 forecast system. The 80th percentile trigger value would close the fishery at later stages of maturity but prior to spawning. The 90th percentile closes the fishery just prior to spawning.

As you evaluate these options, Sub-Option B1, 2 and 3, it is kind of based on the section's amount of risk they want to put on this. If they want to close the fishery and make sure that the fishery is closed when spawning starts, the 70th percentile option would be more appropriate. If they want to start it just prior to spawning, then it would be the 90th percentile option.

The spawning area boundaries; right now we have the status quo, and I have a map up there to show that there are three spawning area boundaries; Eastern Maine, Western Maine and Massachusetts/New Hampshire. The PDT analyzed actually combining the Western Maine and Massachusetts/New Hampshire areas.

Just looking at the data, the GSI data that they calculated for over ten years, they show that there is no significant difference in spawning times for these two areas so why not combine them? It would also increase the amount of sampling that we could do in one area as well. The 2.4 spawning closure period; as you know, for Option A, status quo, four weeks. However, there is another option that the PDT has presented, which is Option B, six weeks. Based on a literature review, they felt that six weeks is appropriate. Other fisheries actually see longer spawning periods, up to eight weeks, however locally six weeks seems to be the signal that comes through the strongest; so they're recommending a six-week closure period.

This kind of relates to the closure period and this is the re-closure. For status quo we have sampling for two weeks and after an area is reopened, then the sampling for two weeks after the area is reopened to see if there are spawning

fish in the catch. If the sample comes up and there is 25 percent or more spawning herring, then the fishery would close for another two weeks.

It is rather vague how it is written; so there is Option B, more of a defined protocol. This would involve – let me just actually read it specifically just to be more sure I have it. I don't want to paraphrase this one. Sampling will resume in the final week of the initial closure period or at the end of the initial closure period.

If one sample taken from within a spawning closure area by Maine, New Hampshire or Massachusetts indicates significant numbers of spawn herring, then closures will resume for an additional two weeks. Significant numbers of spawn herring is defined as 25 percent or more mature herring, by number in a sample, have yet to spawn.

Mature or spawn herring are defined as Atlantic herring in ICNAF gonadal stages V and VI. Sample is defined as a minimum of 100 randomly selected adult-sized fish from a fishery-dependent or independent source. It just kind of puts a little more parameters around the re-closure period.

Option C is a no re-closure protocol and I like to note on here that this option would only be considered if it was linked back to the initial six-week closure; so we wouldn't recommend a no re-closure protocol if we were to remain status quo with the four-week closure. Moving on from spawning area efficacy, we will move into the next option, which is the fixed-gear set-aside provision.

Status quo; the fixed-gear set-aside is available to fixed-gear fishermen until November 1st. If unused, then it is made available to the remainder of the herring fleet. There is an Option B, which would just remove the rollover provision. The fixed-gear fishermen retain a set-aside throughout the entire calendar year. We developed a graph just to kind of show fixed-gear

landings after the rollover period. As you can see, there has been zero landings going back to 2004 in the November to December period.

This is the last issue and is the empty fish hold provision. Currently the interstate and federal FMPs do not require an empty fish hold provision prior to departing the dock. There is concern that unsold herring are being dumped at sea if there is not enough market demand. Therefore the intent of this provision is to encourage less wasteful fishing practices by creating an incentive to catch amounts of herring as demanded by markets.

The council included a complementary provision in Framework 4. Option A is status quo, no empty fish hold provision. There is no requirement to empty vessel holds of fish prior to fishing departure. Option B – and I will read this one in its entirety – this option would require that fish holds on Category A and B Atlantic herring vessels 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 fish in the hold after inspection by an appropriate law enforcement officer. Only vessels departing on a fishing trip are required to have holds empty of fish. As such, waivers would not be required for vessels transporting fish from dock to dock. I will note that this option is contingent on federal adoption.

It should be out any day now whether or not this is approved. If it was approved, then we would move forward with it. Option C is basically exactly what I read except it is narrowed down to only boats that are pumping fish; also contingent on federal adoption. Option D and E are new. These are to say that if there is not federal adoption, then we would still move forward and the states would have to implement these management programs as well. That is it.

CHAIRMAN STOCKWELL: Thank you, Ashton. I do want to remind the section that these new

options are the result of our request for further development of this amendment in August. These are not final action items. They're not preferred alternatives and they will be going out for public comment. Questions before we go to the AP Report.

MR. GROUT: The first question I have, if you bring back up the last slide, I'm assuming there is A and B vessels that don't pump and that's why we had that in there. Does that mean the vessels that don't pump will be able to go out and leave the dock with herring still in their fish hold that may not have been accounted for?

MS. HARP: For Option C and E?

MR. GROUT: Yes.

MS. HARP: Yes.

MR. GROUT: And doesn't that defeat the purpose of having the empty fish hold? I'm guess I'm wondering what drove giving an exemption to vessels that do not pump the ability to go out and discard fish that haven't been accounted for.

CHAIRMAN STOCKWELL: Doug, before I turn it over to Eric, I think this was specific to the request from Sea Freeze concerning the freezer trawlers and keeping frozen product on board. Eric, am I correct in that?

MR. ERIC REID: Well, actually it is a double-edged sword, I suppose. Initially, yes, that is correct. We have freezer vessels that freeze product. When they're fishing in Narragansett Bay, they may come back to the dock with not enough to bother unloading because of the expense of unloading 300 tons or 400 tons at a whack.

That product remains in the boat until the boat is full. We also have smaller boats who fish in the wintertime, of course, from Port Judith and Rhode Island in general and it probably happens other places where they may fish for a truckload.

We're going to send a truckload of bait to Maine; and instead of having a truckload of 40,000, they may have 50,000 or they may have 20,000 pounds for any given day, in which case they would fish a second day for that truck.

They're not discarding anything at sea. The fish are actually accounted in the market but perhaps not at the day that they are landed the first time. If they have 50,000, you load a truckload up the road for 40 and you leave 10 in the boat and then the next day you go catch another truck but you have 10 to start with.

I think the whole thing started because there was some activity for some larger vessels who had product that they could not sell and they went offshore and then discarded it with the use of their onboard fish pumps and that does nobody any good. It was just a provision to take into the account the actual fishing practices that happen in my area; and I can assure you that there is – I won't say none because there may be a hundred pounds or something like that is discarded at sea; but in general a hundred percent of the catch is accounted for at market.

MR. GROUT: So a follow-up and then I have a couple more questions. I would then ask that the PDT clarify and put those concerns in the analysis as to the reasons that these options are in, to try and address those specific things and make sure that those are included in the final document that we send out for public hearing. It is important that we have the analysis and just not put an option out there without a reason that we're putting in an exemption.

The second thing is in a couple of places here in the document we talk about samples. In some places it is very clear what a sample is; it is a hundred fish. For example, under B, status quo adjustments under 2.1, it says sufficient sample information shall mean at least two samples of 100 fish. When we get down to the GSI, it says we're going to have three fishery-independent samples, but it doesn't say a hundred fish. Are

we talking a hundred fish consistent throughout this document?

MS. HARP: No.

MR. GROUT: No, so this could be any size?

MS. HARP: I think in discussions with the PDT, they didn't want to say that you have to have a hundred fish. They just wanted to make sure that they had enough fish, which we categorized as 25 female herring. It is not to say that there has to be a specific sample size. There just needs to be a specific type of fish. There could be any amount sample, but we need at least 25.

MR. GROUT: Well, under C it says based on a minimum of three fishery-independent samples, each containing at least 25 female herring; so what you're looking for is those 25 female herring in gonadal stages III through V?

MS. HARP: Correct.

MR. GROUT: And it doesn't make any difference; it could be a thousand fish that they've got to look through?

MS. HARP: That's correct.

MR. GROUT: So when you go to the dock, how do you tell your portside samplers how many fish to sample? Are they supposed to go every one until they get 25 fish; is that what they're looking for?

MS. HARP: In discussions with the PDT, the initial thinking was that they would tell the portside samplers to collect 50 fish.

MR. GROUT: Then the same question applies all the way down into the reopening scenarios. It talks about one sample under Option B, define protocol for reopening, if one sample is taken from the area, it could be any number of fish?

MS. HARP: No; that one goes back to more of the status quo, which be a minimum of a hundred randomly selected adult-size fish.

MR. GROUT: It be helpful to clarify that in the document that at least in this particular case we're talking about one sample of a hundred fish.

MS. HARP: For Option B, define protocol?

MR. GROUT: Yes.

MS. HARP: We have in there samples defined as a minimum hundred randomly selected adult-size fish from a fishery-dependent or independent source.

MR. GROUT: You're correct; thank you for pointing that out to me.

MR. WHITE: Under the situation of the trawler freezing catch; wouldn't that be processed. Wouldn't that be defined as a processed fish if it is frozen and in boxes? Wouldn't that be treated differently than fish that hadn't been processed?

CHAIRMAN STOCKWELL: I think that would have to be clarified in the document. Eric had previously commented that at least from the Sea Freeze perspective, some of their fish was not frozen. It was just held on board.

MR. REID: I'm not saying that there are necessarily some fresh and some frozen. What I'm saying is there is no intention to discard anything that we've already spent the effort catching. In most cases the product is frozen at sea; and we're just trying to use economies of scale. We don't want to take out 30 tons or 50 tons every time we come to the dock. We'd rather fill the boat and take out the full boatload at one time. As far as whether or not our product is considered processed, I really think it depends on who you ask. If you ask the FDA or the EU, being frozen whole is a process. If you ask the FDA, it is not necessarily a process.

MR. WHITE: I'm just wondering whether we need to define processed, because my sense is that we should not be counting frozen, boxed herring; that we have to empty the hold every time it comes in; that they ought to be able to carry that stuff around because that's not going to dump frozen boxes of herring over the side.

CHAIRMAN STOCKWELL: I think we share the same sentiments. David.

DR. PIERCE: I'd like to go back to Option C with the GSI 30 based forecast system again for clarification. Some good questions were also asked and my interpretation is a bit different from the explanation that was given, I think. When we talk about the three fishery-dependent or independent samples, each containing at least 25 female herring in the appropriate gonadal stages III through V, my understanding is that every sample is 100 fish; but of the hundred fish you've got to have at least 25 female herring. It is not just picking 25 fish, because you can get a sample with juveniles and adults. That is my interpretation; that is still a hundred fish but within that sample of a hundred fish you've got to have 25 female herring in that spawning condition. Otherwise, the sample is not going to be used for GSI forecasting. That's my interpretation and I just ask whether or not it is correct?

MS. RENEE ZOBEL: One thing to keep in mind on the forecasting system is that we're not looking for a percentage of spawned fish. What we're looking for is we're looking for GSI values from those females in order to create a linear relationship to predict the spawning closure date. It is a very different sampling protocol.

Therefore, we're not reliant on the percentage of females within a sample or percentage of females that at certain GSI value. We're looking to see what those females are doing right now so that we can put a dot on a graph and then create more data and create a linear relationship that leads us to a date.

DR. PIERCE: Thank you for that clarification; I misunderstood. Now it is clear. The technical committee has done a very good job responding to our initial concerns and the direction we gave them a while ago. I like what they have presented. It makes a great deal of sense; and with this particular clarification, I'm really comfortable with what has been provided as options within this document.

ADVISORY PANEL REPORT

CHAIRMAN STOCKWELL: Okay, before we go to the AP Report, are there any further questions for Ashton or Renee? Seeing none; I'll turn it over to Jeff.

MR. KAELIN: This report is in the supplemental materials. We had a conference call last Friday, and this summary was created by Ashton and me. We had ample opportunity for the AP members to respond to this draft; and I think it represents a good summary of that call, which was detailed. For that reason, if you'll bear with me, I'm going to read through this so I don't miss anything.

We had nine of sixteen advisors on the phone call. Mr. Paquette is the only advisor here I think other than myself today. He is in the audience. We met on the Friday call in advance of this morning's activity of the section. Prior to considering the discussion document, an advisor voiced concern that the document provides no biological analysis or socioeconomic analysis, so that weighing some of the spawning closure options becomes difficult.

The January 2015 TC Report was mentioned as helpful relative to better understanding the forecasting system being recommended, but the AP generally had remaining questions about how the system would work. It was also noted that the problem statement should include a discussion of the current status of Atlantic herring spawning stock status and that Table 3 and Figure 2 of the Council's 2016 to 2018

Herring Specifications Document could be included to provide this information.

Some advisors suggested that any additional spawning protection in the Gulf of Maine should be tied to spawning stock status coastwide since extending the Gulf of Maine closure period for an additional two weeks would have significant economic impacts on herring fishermen and the lobster fishery where bait demand is high during the late summer and fall period.

Relative to Issue 1, spawning area efficacy, there was consensus in support of Option C, the GSI 30-based forecast system. Advisors supported the forecast system's likely ability to better target closures to periods of time when the majority of fish are spawning. Advance warning prior to a closure was voiced as a positive, which is provided by the forecasting system's announcing closures five days before the forecasted date.

Advisors voiced concern about the fact that last week's opening – this was two weeks ago now, I guess – and reclosing of the Massachusetts/New Hampshire spawning area all took place within 24 hours, which caused significant disruption to the fishery. Some advisors suggested that much of the fish in that area had already spawned and that the weather was better than it had been for a month.

Advisors commented that the goal of this program should not be to save every spawning herring, particularly given the coastal spawning stock condition today. Advisors also supported this option as it requires that projections would be based on a minimum of three samples. One advisor supported the status quo, Option A.

The AP asked the technical committee why is the forecasting system standardized for larger fish, 30 centimeter fish, when the current GSI is based on fish under 28 inches. There was no consensus relative to which of the three GSI 30 trigger value options should be chosen; and I believe it is

because nobody understood how they were going to work.

Relative to the default closure dates, as noted above, the AP As noted above, the AP could not come to a consensus on the appropriate GSI 30 trigger value due to uncertainty of the outcome. Five people felt the 70th percentile trigger value would provide additional protection so fishing just prior to spawning would not happen. One person was opposed to the 70th percentile option. They felt the fishery would have to stay closed longer to accommodate maturing fish and spawners.

The AP asked how do each of the percentile triggers compare or relate to the status quo approach. On the spawning area boundaries, there was general consensus in support of Option A, status quo, which has the effect of maintaining the three spawning areas. The AP voiced concern and reluctance to combine the Western Maine and Massachusetts/New Hampshire spawning areas.

Advisors felt Option B would likely result in a large coastal shutdown based on a few samples. In addition, the AP felt there was not sufficient biological evidence to support anything other than status quo. The AP suggested that a chart depicting the spawning area boundaries would be helpful for the public and that the document should also reflect fishing effort in these areas over time. The National Marine Fisheries Service NMFS should be able to supply VMS data to accomplish this.

Relative to the spawning closure period, there were seven advisors in support of the status quo, Option A, a four-week closure with the fishery being closed for an additional two weeks, if necessary; and three in favor of Option B, a six-week closure. A participant commented they were not entirely in favor of the six-week closure, but it was better than the status quo given the potential damage – i.e., fishing on spawners – that one herring boat can impose in just a couple of days.

A participant in favor of status quo commented that there is not enough social and economic data to justify a six-week closure and the document should outline the effects it could potentially have on lobster fishermen. Relative to the re-closure protocol, three advisors were in favor of the status quo and two participants were in favor of option B, defined protocol. Those in favor of Option B liked that it only involved one sample to initiate a re-closure, which is why other advisors opposed it.

On the fixed-gear set-aside provision adjustment, the AP was unanimously in favor of the status quo, Option A. The AP asked that the document include historical landings in the fixed-gear fishery. I think I saw a chart on that just a minute ago, which we had not seen prior to the call. We felt this information should be available in the council specifications' document which is, I think, where you found that table.

On the empty fish hold provision, there was general support for an empty fish hold provision in the fishery and the issue has been addressed by the Council. Five advisors were in favor of Option E, an empty fish hold provision, limiting the requirements to vessels with the ability to pump fish that is not contingent on federal adoption. Two participants were in favor of Option B, an empty fish hold provision with the pumping limitation that is contingent upon federal adoption of the same provision.

MR. AUGUSTINE: Mr. Chairman, point of information, please. I'm concerned that we're having an assessment of a draft amendment that has been put together and hasn't been put out there for the public yet. I think all the things you were saying, Jeff, are very pertinent to the issues, but we are here to talk about what should be in the draft amendment.

I'm a little concerned about the details here. I did read the report and most of the options I would have agreed to that you selected, but I'm not sure this is the appropriate time that we should be picking and selecting which ones any

group would particularly like; in this particular case the advisory panel. I hope I'm not out of order, Mr. Chairman. With that information, I'd like to turn it back to you.

CHAIRMAN STOCKWELL: Thank you for that observation, Pat. Jeff is just relaying the substance of the AP call. It is consistent with the previous meeting that they had prior and they were reacting to the information they had in hand. I think following his report – and he is getting close to the end – we will ask him for any questions and then this section will determine whether or not they want to send the draft document out for public comment either as it is or with any modifications.

MR. AUGUSTINE: Okay, another point, Mr. Chairman. I guess my concern is that I had several comments from some of our fishermen; and I thought at this particular point in time we were just talking about what options we want to include. Again, back to one or two points that Jeff made, the one that stood out in my mind was do we want to make a recommendation to change the Option 4 closures?

The rest of it, again, I think is just information that if I were allowed to present what our fishermen wanted, I'm not sure how many options we would change. I just think an advisory panel should not be making their positions known at this particular point in time other than they would like to have in the document this option versus that option. I understand the rationale; but again I thought the board's role was primarily to identify which options were appropriate to go out to the public. Maybe I stand corrected, Mr. Chairman, but that's my humble opinion.

CHAIRMAN STOCKWELL: Duly noted but I have full confidence in this section being able to filter the AP's comments and determine what is appropriate for going out for public comment. As we all know, we will review this again at least once more. Why don't you conclude your report, Jeff?

MR. KAELIN: I don't understand the objection, but I will continue with the report because I thought we were supposed to provide advice on what was in the document; and that's precisely what the AP did. Under other comments, the AP discussed the benefit of reinstating a tolerance for spawning fish in the fishery because it would provide the opportunity to regularly collect samples of herring for GSI analysis from vessels that are working in the area to be closed.

The majority of AP members requested that the section consider adding a tolerance option to Draft Amendment 3. One advisor did not support this suggestion. The advisors suggested that information relative to current status of the fishery, as was mentioned earlier, be added to document.

The participants said they were confused about the goals and objectives of the draft amendment, and that there should text added to the document that describes that protecting spawning fish is a goal, in addition to maintaining the fishery and markets. Protecting spawning fish exclusively is unrealistic.

One participant noted that although the spawning stock biomass is above the target, there is still a need to update the spawning closure system. The spawning closure system is necessary irrespective of the status of the stock. The Chair suggested that the AP be polled to see who would like to continue being an AP member and repopulate the AP if necessary. Only nine of sixteen members participated in the conference call, which ended at noon.

CHAIRMAN STOCKWELL: Thank you, Jeff, for your report. Are there questions for Jeff?

MR. WHITE: Jeff, first you said an industry member reported that there was not a lot of spawn herring caught when it opened. That is one question; is that what that industry member said and does that reflect your knowledge of what was caught when it opened? Secondly, the concern about socioeconomic impact; was that

socioeconomic impact to the herring fishery or to the lobster industry, because I would think that delaying a week would not affect the herring industry in that they would then catch the quota. It is not like they're missing out on quota; it is just being delayed when they harvest it. Those are the only two questions. Thank you.

MR. KAELIN: Well, the second one I think the overarching concern was the standard six-week closure and the potential to displace the fishery for an additional couple of weeks. If another two weeks was added on to it, I think there was some confusion as to whether be it six weeks plus two or just a straight-up six weeks.

Of course, the western Gulf of Maine or the New Hampshire/Massachusetts closure did go six weeks this year, so there wouldn't be any real effect there. People were just concerned about the displacement of the fishery later and later into the fall. I think there was interest in having socioeconomic information and hear about the potential for an extension of the spawning closures not only to the herring fishery but also to the lobster fishery because it is such an important time of year.

I think we were told that the commission's Social Science and Economic Committee, whatever you guys call it, didn't have any information to provide us. That's where we are on that one. As far as what was taking place when the area opened a couple of weeks ago, our boats had spent fish. That is what we call it. When I talked to Brad Schondelmeier about this a couple of days ago just to kind of see what they were seeing with their shoreside monitoring program, they said they saw fish going off at three different places – the condition of the spawning fish differed in three different places within that closed area.

There was some discussion that was not reflected in the report about the potential to split those areas, which was an option that was being talked about with this amendment some time ago. That was what was reported; that the

boats were catching fish that had already spawned during the time that the extension was created so we went to six weeks. There was a lot of concern about that, but it is what it is. Now, of course, it is closed and reopened again and those fish were protected. Thank you for the questions.

MR. EMERSON C. HASBROUCK: Thank you, Jeff, for your report. I know the AP had comments on the various options; but was there any consensus that came out of the AP meeting about additional options to include?

MR. KAELIN: We thought we had consensus going back to the tolerance, but one advisor e-mailed Ashton after the call and said they didn't agree with that. I don't think there is anything specific that we'd like to add or the AP is suggesting be added to the document other than the consideration of the tolerance, which I'm sure would be controversial as it has been for a long time.

The discussion was really just about trying as much as possible focus on when those areas should be closed; and that's why they supported the 30 percent GSI approach, the forecasting approach, that the technical committee has come up with. No, I don't think there was anything specific where there was consensus to add anything to the document.

MR. AUGUSTINE: Jeff, I wasn't trying to dumb what you were saying. I appreciate all the information put on the table. You didn't say anything more specific about the options for closing or opening. The two options we have was either four weeks or six weeks and I don't think there is any flexibility in there. From what you said, you said it could vary. Could it be beyond six; do we want to put another option on there to allow more flexibility than four weeks or six weeks?

MR. KAELIN: I think that the majority of the advisors were supporting the status quo, the four weeks plus two, if necessary, with the

addition of the forecasting ability that has been developed, this 30 percent GSI forecasting thing.

MR. AUGUSTINE: Thank you for that clarification.

MR. ADAM NOWALSKY: While there were certainly some very loose comments about the document as a whole and certainly focused on the specific options, will the AP be getting together again to discuss these options again prior to our decision-making presumably at the next meeting or would this constitute that input from them moving forward?

MS. HARP: The AP would meet following the public comment period. I'd present a kind of summary of the public comments that I've received and then ask them for their input based on that prior to the next meeting.

CHAIRMAN STOCKWELL: Are there any further questions on the AP Report? Seeing none; we're down to considering whether or not this is ready for primetime? What is the sense of the section? Are we ready to send Draft Amendment 3 out for public comment? Toni.

MS. KERNS: Terry, I just want to make sure everybody is clear on what the document will look like when it goes out for public comments since this is a little bit different than how our documents normally look when we have an amendment. What we have presented to the section just the management changes that we considering in this document.

It is not the full amendment as it would be approved and considered for final action in February. Due to time constraints and working on issues, we weren't able to take all of the management measures that would just carry over from Amendment 2 and its addenda.

Ashton would work on that over the following winter to include all the carry-over measures and include that in the meeting materials with the options that went out for public comment; so

those options that we're actually making changes to. This Habitat Section, et cetera, would also be included at that point.

CHAIRMAN STOCKWELL: Is everyone clear? Bill.

MR. ADLER: In other words, Toni, you'll be filling this in and coming back before we go to public hearing?

MS. KERNS: No; the document will be abbreviated for public hearing, so it will only be the options that we're considering changes to for the hearings. Then when the board considers final action in February on those options, we will also have all the carry-over measures from Amendment 2; so the measures that we're not proposing any changes to.

MR. ADLER: So what is going to happen between now and February?

MS. KERNS: If the section approves this document for public comment, then we will take just the options that we're considering management changes to out for public comment. It is an abbreviated version of the document.

CHAIRMAN STOCKWELL: And those would then be embedded into a final document for this section's vote.

MR. STEVE HEINS: Just for a little clarification; so would then the complete document include some of the things that the AP noted were missing like an economic analysis, biological information, objectives?

MS. KERNS: To the extent that we have the information available to us, we can do that; but there is not a lot of that socioeconomic information that is simple and readily available for us to include in the document. The CESS has said to us that they can't provide the majority of the information. We did include some positive/negative/neutral indications, so we will be including those. It is what you all saw back in May, so it is not any different than the

socioeconomics that the AP had already seen before.

MR. AUGUSTINE: Mr. Chairman, before I make a motion, are we adding anything to the document as it was presented or are we deleting anything from the document as we discussed it today?

CHAIRMAN STOCKWELL: That would be up to the section. When a motion goes up on the board, then I would expect the specific section members, if they would want to modify the motion, to send Draft Amendment 3 out for public comment either as it stands or as it is modified.

MR. AUGUSTINE: I'll make it easy, Mr. Chairman. I move that we approve the Draft Amendment 3 for public comment.

CHAIRMAN STOCKWELL: Is there a second to the motion? Second by Ritchie White. Discussion on the motion? Doug.

BOARD DISCUSSION OF DRAFT AMENDMENT 3 FOR PUBLIC COMMENT

MR. GROUT: Well, it is also discussion on the point that Toni was making about this. In May we approved a document that had an amendment that had the status of the fishery, status of the stock. It had the whole laundry list of things that we include in a full amendment. What I understand is instead of pulling out what we originally had and then putting this in the options, when we go out to public hearing, we're not going to give the full document et al.

We're just going to be giving these options; so I guess I don't understand. This is just really one section. It is fisheries management options; and why couldn't we just pull it out and insert it what we originally had in May and then insert this in; so that public knows what the full document is that we're bringing out, even though this is the meat of it, really.

CHAIRMAN STOCKWELL: Toni or Ashton, can you respond to Doug, please?

MS. KERNS: What was presented in May doesn't have some of other parts as well. We can use that was presented in May for the fishery description, et cetera, but I think there is still some pieces that are missing from that fishery description, et cetera. That also did not have the carry-over measures from Amendment 2.

We want make sure that information does get into a final document so that we have one comprehensive document that you can go to for herring measures. When you open up Amendment 3, it will be all of the herring measures that the commission has on its books. We can include some of the fishery-description information and some of the habitat information that we had before, but knowing that we may alter that description a little bit to make sure that it is correct and updated in February. That is the only thing that we're worried about; that it doesn't have all of the most up-to-date information in it.

MR. GROUT: So my question then is if we were to wait until we had a full document and we went out to public hearing in between February and May; that would essentially delay any changes for another fishing year; correct? So we're going forward with a document – depending on how the board feels that we have options that are fully fleshed out but not a full document that is fleshed out in an amendment; I'm having a little bit of trouble reconciling that and deciding whether it is important to get potentially some new measures in, depending on how the board votes on it or whether we should delay it for another meeting, unfortunately.

MR. AUGUSTINE: My point exactly, Doug. I'm concerned that we're going to put out an incomplete document or a document that is going to mislead the public again. The real question I think that has to be answered is what harm if we delay until May and then have it effective the following year? Now, if there is major harm to the fishery and we should press

forward, then I would support what Doug suggested, getting the other information in the document to go out to public hearing. Can you help me with that, Mr. Chairman?

CHAIRMAN STOCKWELL: I'm certainly not going to address what the harm may or may not be; but I will recognize David Pierce and continue the section discussion.

DR. PIERCE: Well, I approve of the motion and I think we should support it. I'm satisfied with what is in the draft amendment as it now stands. I think the options are well laid out; good work done by staff and the technical committee.

If we postpone taking action on this document – in other words, if we said, well, hold on, we'll wait until it is entirely completed, we look at it again and we bring it out to public hearing, if we do that, I'm quite confident that I'll be in a very difficult position trying to get new regulations in place for the next fall fishing season. There is a new regulatory process in Massachusetts that requires a lot more review. The sooner we do this, the sooner we go out to public hearing and we make our decisions about what needs to be done, potential changes, the better off I'm going to be in getting it implemented for 2016.

CHAIRMAN STOCKWELL: As a follow-up to that, Pat, are we doing harm to the stock; I can't answer that question; but are we doing harm to the individual states, Maine, New Hampshire, and Massachusetts, rule-making process, yes, we would be unable to move any of these alternatives forward in the next fishing year.

MR. AUGUSTINE: Thank you for that clarification, Mr. Chairman, and by all means I think we should move forward. To what Mr. Grout said about adding to this document, Toni followed up by saying she could draw out of the previous document enough information that would beef this up and offer some substance in addition to what we already have. Could we draw the two of those together without overburdening the staff so that the document

does go out as a much more complete document?

CHAIRMAN STOCKWELL: I guess the question up here, Pat, are you talking about inclusion of the socioeconomic analysis and all the other issues of substance that we're going to have in the final version?

MR. AUGUSTINE: What we have available that we could succinctly pull out of that document without overburdening the staff so it is still a meaningful document. Could we say in it "refer to" as opposed to applying it to the whole thing and presenting a document that is a monster?

CHAIRMAN STOCKWELL: It is hard for me to fathom that the staff would put out an unmeaningful document.

MR. AUGUSTINE: Don't be offended. I offend everybody; I love to. The point I'm making is if we have information that we can carry over and add to this, I think we should.

CHAIRMAN STOCKWELL: My sense is the document will be as inclusive as is possible given where we are in the process and the ability of staff to get something out in order to have the public hearings should that be the will of the section and the vote that will be sometime between now and lunch.

MR. AUGUSTINE: Okay, if there is no further discussion, I make a motion –

CHAIRMAN STOCKWELL: We've got a couple more hands. I've got Ritchie.

MR. WHITE: In the beginning of this discussion, I had concern about having a document that went out that wasn't 100 percent complete; but seeing that it would delay a year of implementing new regulations, I now support going forward with this. I think what happened this year clearly shows that we need new regulations.

It was very upsetting to me that we opened the fishery in 1A while spawning was occurring and when we had tests showing that. Even though the regulations allowed it to open, it clearly would have been the conservative and concern for the resource to delay a week and get more samples. As a result, there was a substantial amount of spawn herring caught. I guess it is not totally clear how much but certainly in the millions of pounds. I think we have to make sure that does not happen in the future. I think adopting some of the regulations that are out there would help to accomplish that. I am going to support my second to go forward with this.

MR. HASBROUCK: Mr. Chairman, I'm a little confused on process here. I'm wondering why we're going out with an amendment in a form that's different than other amendments that we've done and that we do. What I'm hearing is that, well, we need to move this along so we can take care of it before the next fishing year.

After we started this amendment, we decided to delay it for a while; we withdrew it. I'm wondering why if a couple of months ago we weren't in a rush to get his done why are we in a rush to get it done now and why are we going forward with a format that's different than what we normally use?

MS. KERNS: We didn't know that the document didn't have all of the old stuff until we dug into it because of the transition that happened on the staff level. It was unclear that it was missing these sections that we normally would put in there. I can't speak the section's will to move the document now versus its will to not move the document previously.

We just wanted to make sure that the section was okay with not having those other pieces available. We have in the past not had all of the old carry-over measures in amendments before; but we've gotten direction from boards and sections that we wanted to have complete documents when we do amendments so we're

trying to make sure that we do that moving forward.

We just wanted to make sure that the section clear that what you see in February will look a little bit different. The options themselves won't look any different for what we're considering for management. I think for the public, it might be easier for them to comment on those options because they'll be just standalone for what we're actually trying to change. We will make sure that we include at least a brief history of the fishery. Amendments usually have a lot more background information in them.

Sometimes we get information from the public that it can be confusing because there is so much information in there; so we try to distill it down to simplest form when we're actually doing the presentation at the hearings. The document will be distilled down into its simplest form and then the full document will come in February. You will still get the general gist.

MR. NOWALSKY: Is an accurate description of the document that we expect to see forthcoming, the document that we approved in May with Section 4.2, which was the commercial fisheries, replaced with what we're seeing here today? Is that an accurate description of what we're essentially voting on with this motion?

CHAIRMAN STOCKWELL: Yes. Doug.

MR. GROUT: One more question. If I could potentially put our GARFO representative, Mike Pentony on the spot, one aspect of this amendment is an item that is in Framework Adjustment 4. The public comment period has ended on that. Do you have any timeframe on when the regional office plans to make a decision on Framework 4?

MR. MIKE PETONY: Unfortunately, no, I do not. I wish I could share that with you.

CHAIRMAN STOCKWELL: Is there further discussion to the motion on the board? Let's have a caucus.

(Whereupon, a caucus was held.)

CHAIRMAN STOCKWELL: Okay, is everyone ready? Pat.

MR. AUGUSTINE: Mr. Chairman, point of clarification. Is it possible, based on the comment that Mr. Nowalsky made, that this is actually only replacing Section 4.2? That is what it sounds like; that what we're doing in this amendment is we are replacing 4.2; and I just need clarification. If it is true and the rest of it remains the same, can we not include that in it? Will it make a difference or is it inferred? I just want it to be clear on the record because we have a concern in our contingent here that it isn't clear.

CHAIRMAN STOCKWELL: It is clear to me; but if it is not clear to you, then we have a problem.

MR. AUGUSTINE: I'm sorry, only for reference purposes. I don't believe there is going to be any other changes; are there?

MS. HARP: No, sorry for the confusion; it was just meant to say that the options that we presented in Section 4.2 previously, these options revised those specific options. However, it doesn't revise that we're going to move forward with that document as it was.

MR. AUGUSTINE: Okay, that's good; hold on one second, please. I'm okay with that, Mr. Chairman.

CHAIRMAN STOCKWELL: **Okay, those who support the motion on the board, please indicate so; those opposed; those abstaining. Okay, the motion carries five to one.** We will send this document out for public comment. States who are going to want public hearings, please contact Ashton.

ADJOURNMENT

Is there any other business to come before the section today? Seeing none; consider this meeting adjourned.

(Whereupon, the meeting was adjourned at 12:25 o'clock p.m., November 2, 2015.)