(The following summary was provided by New England Council staff)

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

SUMMARY
Herring Advisory Panel and
MAFMC Mackerel Advisory Panel Joint Meeting
Sheraton Colonial, Wakefield, MA
August 15, 2001

The Herring Advisory Panel and Mid-Atlantic Council's Mackerel Advisory Panel met jointly for the following purposes:

- to discuss issues and options, and to develop recommendations to the Herring Committee for a limited entry/controlled access program for the herring fishery and the relationship between such a program and the mackerel fishery, and
- to develop recommendations to the Herring Committee on Framework 1 to the Herring Fishery Management Plan.

LIMITED ENTRY/CONTROLLED ACCESS

The advisors reviewed the list of questions posed by the Committee regarding the development of a limited entry/controlled access program in the herring fishery. Mid-Atlantic mackerel advisors were invited to join the meeting because of the close relationship between the two fisheries in terms of bycatch, participating vessels, similarities of gear and area of activity. The Committee's questions were:

1. Is the problem statement valid (see attachment #1)?
2. Should we limit entry to address the problem? Why or why not?
3. What qualification criteria should be applied? Time-based, tonnage-based, or some combination?
4. How effective would a limited entry program be without state action? Some states would require legislation to enact a limited entry program.
5. What is the impact of a fishery directed on juvenile herring?
6. What proportion of the herring catch comes from state waters compared to federal waters?

Consensus
the advisors agreed not to address Question 5 because it does not pertain to the matter of controlled access or limited entry.

Question 1
Comments on this question included:

- the fishery is market-driven and will usually take place in closest proximity to those markets
- there is a problem in that some individuals with the longest history in the fishery are now being closed out before the end of the season, particularly smaller seiners without the ability to travel to other areas
- limited entry or controlled access is needed to control growth
- the behavior of herring, including where it is available, is variable from year to year depending

on environmental or other factors
- while there may be a problem, is it that we need to guarantee access to a certain group/area, or that there is a race to fish and overcapitalization? These two situations have different solutions
- some areas are fished heavily because of proximity to shore; whether it's availability or market-driven; this creates problems for some populations (spawning components), not only for the herring fisheries in the area, but for other species that depend on herring for forage; these populations need protection
- depending on how you define the problem, there may be other solutions than limited entry, or a combination of measures including limited entry
- overall, there isn't the same problem as there is in Area 1A
- heavy fishing pressure in Area 1A drives the fish out of the area, exacerbating the problem created by the quota system
- the area boundaries are arbitrary and not based on sound science
- the area boundaries are based on historical tagging studies that need to be updated, but the boundaries also function as a way of providing some protection to different fisheries and spawning populations
- there is the capability now to catch all of the Area 1A TAC before the end of the season; some gear types, particularly "small" seiners and fixed gear, do not have the same options or opportunities as others, and should be protected
- the draft problem statement is not a fair and accurate description of the problem; there is a problem, just not the one stated in the draft problem statement
- the problem is how to maintain a viable fishery for those sectors that otherwise would be negatively impacted by a closure before the end of the season
- the problem statement is only partially valid
- the problem statement does not describe the problem correctly; it is a gear conflict problem
- there is always a race to fish, it's not just in Area 1A; we need a different problem statement
- we need to modify the statement, add in gear sector and small vessel impacts, otherwise it's pretty good

Consensus

most of the advisors agreed that the draft problem statement is not valid as written. Some advisors felt that the problem statement is basically valid, although some additional language could be included to cover fleet sector impacts.

Following the general agreement that a problem exists, and that the draft problem statement does not accurately or fully describe the problem, the advisors decided to focus on the second question, and return to the problem statement later in the discussion.

Question 2

Initially, the advisors were divided on whether limited entry or controlled access should be used as the solution to the problem. Those who were opposed cited the need to maintain an investment climate that would allow for growth in the fishery. Others noted that depending on the type of controlled access program, there could be opportunities for growth, particularly in Areas 2 and 3, while at the same time addressing the problem, and achieving the FMP goals of preserving historical participation. Controlled access would protect the capital that has already been invested in the fishery as well as that of new participants. Several advisors noted that limited entry or controlled access would not be the only tool, but one of several to address the problem and achieve the goals of the FMP.

Motion

the advisors recommend the use of limited entry/access as one of the tools for managing the herring fishery. (Kaelin/Robbins, **motion passed unanimously**)

Question 3

The advisors discussed several issues related to qualification criteria, but generally felt that the details would be developed as the amendment options were being outlined and analyzed. Advisors made the following comments:

- time in the fishery and tonnage should both be considered
- a number of vessels had history in the fishery but were not required to report, and, therefore, the history is not recorded in the database
- vessels that participate in other fisheries should be treated differently than those who fish only for herring
- there needs to be a mechanism for protecting current participation and investment in the fishery, even if that entered after the control date
- there needs to be a discussion of vessel upgrades, both past (including after the control date) and future
- what about carrier vessels? A vessel can greatly increase its fishing power by the use of carrier vessels to transport the catch to shore
- if you are going to develop offshore fisheries for herring and mackerel, you have to be able to accommodate new vessels that can achieve the required volumes and fish safely offshore
- it will be difficult to raise the $14-$16 million needed for an offshore vessel if your issue a development permit that does not guarantee long-term access; if the permit is limited to one area, and the fish move out of that area, then the investment becomes too risky
- provision should be made to allow for new entrants, if and when a qualified participant exits the limited entry program

Question 4

Lew Flagg, Chairman of the Herring Committee and a member of the ASMFC Herring Section, noted that if the Council proceeds with the development of a limited entry or controlled access program, ASMFC will have to discuss the matter in more detail. He noted that there is an interest in making the state regulations consistent with the federal rules.

FRAMEWORK 1

The advisors discussed the issue that Framework 1 is addressing , running out of quota in Area 1A before the end of the season, and generally agreed to support development of a mechanism that can adjust the TAC within the year, in a timely manner, to account for movements of the fish. If the fish do not move out of Area 1A into Area 2 during the winter, then the Area 1A TAC should be increased. Therefore, the advisors may seek to initiate a mid-season adjustment by mid-January to shift quota from Area 2 to Area 1A. Many felt that the current mid-season adjustment provisions are too slow to respond to changing circumstances in a timely manner.

Consensus

the advisors agreed to support the preferred alternative for Framework 1 to the Herring FMP

CONTROLLED ACCESS/LIMITED ENTRY PROBLEM STATEMENT

The advisors returned to the discussion of the problem statement, to draft an alternative statement that

would address the current draft's deficiencies.

Consensus

The problem is Area 1A, and it is that the TAC is taken prematurely which disadvantages some user groups relative to the others. The advisors agree to take action to mitigate this problem.

Consensus

The advisors recommend separating the Mackerel FMP from the Squid, Mackerel, Butterfish FMP, and that there be closer coordination between the two Councils on both Mackerel and Herring FMPs.