PROCEEDINGS
OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
ATLANTIC HERRING SECTION

July 14, 2003
Holiday Inn by the Bay
Portland, Maine

ATTENDANCE

Board Members

Lew Flagg, **Chair**, Maine DMR
Pat White, Maine Gov. Apte.
Senator Dennis Damon, Legislative Apte. (ME)
John Nelson, New Hampshire Fish & Game Dep.
G. Ritchie White, New Hampshire Gov. Apte.
Dennis Abbott, proxy for Rep. Blanchard (NH)
Paul Diodati, Massachusetts DMF
Bill Adler, Massachusetts Gov. Apte.
Vito Calomo, proxy for Representative Verga (MA)
David Borden, Rhode Island DEM
Eric Smith, Connecticut DMR

Ex-Officio Members

David Ellenton, Advisory Panel Chair
Matt Cieri, Technical Committee Chair
Jeff Marston, LEC Representative

ASMFC Staff

Megan Gamble

Guests

Lori Steele, NEFMC
Mike Morin, NEFMC
Peter Mullen, Irish Venture, Inc. Gloucester, MA
Mary Beth Tooley, ECPA, Camden, ME
David Stevenson, NMFS/NERO
Bill Quimby, Mayflower, Boston, MA
Boris Gudywa, Russia

TABLE OF CONTENTS

WELCOME & INTRODUCTIONS **5**

BOARD CONSENT **5**

PUBLIC COMMENT **5**

US AND CANADIAN 2003 STOCK ASSESSMENTS **6**

SSC RECOMMENDATIONS **19**

UPDATE ON THE NEFMC'S DEVELOPMENT OF AMENDMENT TO THE FEDERAL ATLANTIC HERRING FMP **21**

DISCUSSION ON THE DEVELOPMENT OF AMENDMENT 2 to the INTERSTATE FMP FOR ATLANTIC HERRING **40**

REVIEW HERRING COMMITTEE MEMBERSHIPS **47**

ADVISORY PANEL NOMINATIONS **47**

OTHER BUSINESS: IWPs **47**

MOTIONS

1. Move that staff develop a PID that incorporates all of the items discussed during the July 14, 2003 Section meeting.
Motion by Mr. Nelson, second by Mr. Smith; motion carries unanimously.

ATLANTIC STATES MARINE FISHERIES COMMISSION

ATLANTIC HERRING SECTION

Holiday Inn by the Bay
Portland, Maine
July 14, 2003

MONDAY MORNING SESSSION

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The Atlantic Herring Section of the Atlantic States Marine Fisheries Commission convened in the Casco Bay Hall of the Holiday Inn by the Bay, Portland, Maine, Monday morning, July 14, 2003, and was called to order at 10:10 o'clock a.m. by Vice-Chairman Lew Flagg.

WELCOME & INTRODUCTIONS

MR. LEW FLAGG: Good morning. Dave Borden is caught in traffic and will be along very shortly, so I've been asked to preside until he gets here. You should have all received a packet of material, and there will be some additional copies available later on this morning.

BOARD CONSENT

MR. LEW FLAGG: We have a draft agenda that has been mailed out previously. Are there any additions or corrections to the agenda? I know we have one other piece of business at the end of the meeting, and that is to approve some advisory panel nominations. Are there other items? Yes, David.

DR. DAVID PIERCE: Just a clarification, Lew. What specific decisions do we need to make today? I don't really see anything on the agenda that would indicate some action items.

MS. MEGAN GAMBLE: I'm anticipating, as we move along and discuss the various issues that the council is dealing with for Atlantic herring, that the commission is going to want to move in a similar direction and we'll probably want to ask staff to initiate an amendment process, starting with a public information document, but we'll see where today takes us.

DR. PIERCE: So I think what you're saying, Megan, is that there may be some decision by this section just to move forward to, for example, coordinate the mackerel and herring management and to develop the same inshore spawning areas and all the other issues that are under Item 6 on the agenda, so that's pretty much a decision to move forward?

MS. GAMBLE: Yes, if the section decides that the commission should move forward and start an amendment process, the best thing to do is to give staff a lot of advice on what you would like to see in that public information document, such as the issues you just mentioned.

MR. FLAGG: Just a little more clarification, too. My understanding is primarily this meeting is being held to explain what is going on with respect to the federal plan and provide the section with information on the progress of development of an amendment relative to the federal plan, and to then see about what measures or what things the section feels are appropriate to do in order to follow along or complement the federal plan, if it is our desire to do that.

As far as the agenda, I mentioned the AP nominations. We'll be taking those up. Are there other items that we should include in the agenda at this time? Seeing none, then we'll go with the agenda as modified.

The next item on the agenda is board consent of the meeting summary of May 21st. As you recall, we had a joint meeting with the Herring Oversight Committee. The minutes of that meeting have been previously mailed to you.

Are there any additions that need to be included or deletions in the minutes of the meeting of May 21st? Are there any objections to accepting the minutes as written? Seeing none, the minutes are approved as printed.

PUBLIC COMMENT

MR. FLAGG: At this time we're going to accord an opportunity for public comment, and we, throughout the course of the meeting, will recognize people in the public that want to speak.

If there are any particular items that anybody in the public would like to address at this time, this is the opportunity to do so. Is there anybody in the public that would like to comment at this time? Seeing none, we'll move right along.

US AND CANADIAN 2003 STOCK ASSESSMENTS

MR. FLAGG: The next item on the agenda, as many of you are aware, back in February, the U.S. and Canadian scientists had a joint transboundary stock assessment done on herring.

The results of that assessment were substantially different between the U.S. and the Canadian assessment, and so we're going to have a presentation on the U.S. and Canadian 2003 stock assessments and Matt Cieri will be making that presentation.

DR. MATT CIERI: For those of you who don't know me, my name is Matt Cieri, and I work with Maine Department of Marine Resources. I'm going to talk to you today about the proceedings from this last transboundary resource assessment meeting in St. Andrews for herring.

Basically, herring was last assessed in 1998 at SAW 27. Afterwards, both industry and management from the Canadian and the U.S. sides wanted a joint assessment done in the following years.

This assessment was both a benchmark and an assessment review. It was reviewing both methodologies and the conclusions that come out of those particular models. The panel was composed of state scientists, scientists from DFO, National Marine Fisheries Service, and a panel of independent experts.

We met from May 9th to May 14th in St. Andrews, New Brunswick, and I have to say I think it's the coldest I think I've ever been. For anybody who went, it was about minus 40 and snowing constantly. So, Lew, can I work on red drum?

One of the things that this assessment panel did was to define a management unit. They recognized that there are many different spawning components when it comes to Atlantic herring stock in the Western North Atlantic.

They realized but didn't address this issue of mixing between these stock subcomponents on their feeding grounds and at other times of the year when they're not actually spawning.

They recommended changes to the Area 3 management boundary to encompass a particular offshore spawning component. They recommended research to redefine and to track these stock subcomponents and how they move from wintering grounds to feeding grounds to spawning grounds.

They did note a change in the proportion of the inshore component relative to the offshore component. Back in 1998, in SAW 27, it was considered about 25 percent coastal, 75 percent offshore, which made up the entire stock complex, and now that ratio is believed to be different. It's pretty much a re-estimation, not a change in relative abundance.

So, basically we had two models at this assessment, and this is a tale of pretty much two models, a forward-projection model, which is a biomass model, which looks at the amount of individuals as weight. It places more weight on the surveys, particularly on the hydroacoustics done by National Marine Fisheries Service offshore.

Another assessment technique was the ADAPT VPA, which I'm sure most of you are familiar with. This one is age structured and looks at the number of fish at a particular age, places less weight on the surveys and much more emphasis on the catch-at-age matrix.

To get into the nitty gritty, the forward-projection model is a biomass model, truncated age 2, with recruits age 3 plus as biomass, knife-edge selection at age 2, everything done as an aggregate –- so you don't break anything out done by ages -- tuned also with an aggregate bottom trawl for both U.S. and Canada, as well as larval surveys from both countries.

They used the hydroacoustics done by National Marine Fisheries Service in the Georges Bank area, used the Beverton/Holt stock recruitment relationship.

These estimations of the biological reference points relative to the biomass were all done internal, and there was some projections of catch out to 2005.

The ADAPT methodology is a numbers-based standard VPA routine, fully age structured 1 through 10, or each of the year classes with the 10-plus group. Partial recruitment is estimated within the model itself. The landings are disaggregated basically by age, so you use a catch-at-age matrix that you guys are mostly familiar with.

It didn't provide any biological reference points, only an F- based reference point. It was tuned with a disaggregate bottom trawl and some larval surveys as well.

The inputs for all the models are pretty standard, landings from the ICNAF fishery, domestic landings and Canadian landings, as well as looking at the samples to create catch-at-age matrices.

Research surveys included the U.S. and a Canadian larval survey, a U.S. spring, winter, and autumn bottom trawl series, as well as a Canadian spring bottom trawl series. And, of course, for the forward-projection model it also used the hydroacoustics.

Basically this is a bubble plot of the catch-at-age matrix, and what you can see here is back here in the '70's the catch-at-age matrix was fairly filled out, but as the ICNAF and foreign fisheries started hammering the stock, a lot of the age structure was truncated down here to age 1's and age 2's.

Since that time, the catch-at-age matrix has filled out as the population structure has filled out across a lot of different age groups.

Taking a look at the samples, something else that is very interesting, this is basically weight here at age across year, and what you can see is back here in the 1980's your average size at a given age was much larger than it is right now, suggesting that weight at age has decreased over time as the fishery has rebounded.

We take a look at the landings, again we can see here, back here in the '70's and '60's, this foreign fishing, which took over 450,000 metric tons in some years.

The Canadian here is in blue and the U.S. is in yellow, and you can see after the collapse of the fishery there was some small fishing going on for both the Canadian and the U.S. and landings have actually trended upwards slightly over the last few years.

If we take a look at some of the survey information, this is the winter bottom trawl survey for National Marine Fisheries Service, and you can see that it's very spiky. There is a lot of noise, both in weight and in number per tow. However, the overall trend is certainly upwards since about 1992 when this survey started.

If you look at the spring survey, it's a very similar picture; a little bit longer time series, starting in 1968; very, very spiky and a lot of variability in the bottom trawl survey; however, overall, an increasing trend since about the mid-80's.

If we look at the autumn survey, again the same type of story; back here in the mid-80's, very, very low and trending upwards, but with a lot of variation.

And this graph actually includes the Canadian spring, again, the same story with both the spring for the U.S., the fall for the U.S., and the winter U.S., as well as the Canadian for the spring, again, lots of noise in all of these particular surveys. However, the trend is certainly going upwards.

Looking at the larval surveys, again the same story; very, very low here in the mid-80's and trending upwards until about 1995 when the surveys were discontinued.

For some of the hydroacoustic stuff done by National Marine Fisheries Service, the blue are transect lines, and this is actual biomass here in the red, and you can see a large aggregation in the year 2000 off Cultivator's Shoal and on the northern edge of Georges Bank.

Again, the blue are transect lines, and, again, we see a large amount of biomass on the northern flank of Georges Bank in 2001; the same thing for 2002.

Although the target strengths were coming back, the actual measurement of biomass was actually a lot lower than it had been in the previous three years, and I'll show you that in a second.

Please just concentrate on the weighted biomass here that's highlighted; in 1999, about 1.2 million metric tons spawning stock biomass; the estimate for 2000, 1.4; the estimate for 2001, 1.8; and then here, the final year, 0.8.

The reason for that is that National Marine Fisheries Service believes that they missed the largest spawning component out on Georges Bank. By the time they got out there, as they usually are timed, most of the fish were spent.

And as we all know, herring have a tendency of not hanging around the spawning grounds once they actually finish spawning. They tend to move off onto other feeding grounds for the winter.

So, Bill Overholtz and the rest of the people at National Marine Fisheries Service believe that they actually missed the largest spawning component on Georges Bank. However, even if you take this number in with the inshore hydroacoustics survey, the spawning stock biomass for the entire complex is over a million.

To get into the forward-projection model and its results, we can take a look at what comes out of this particular model in both spawning stock biomass and recruitment.

With spawning stock biomass here in the purple, note fairly high here in the early '60's; trending downwards as the foreign fishery prosecuted Atlantic herring to very, very low levels, and then a steady increase.

This increase was pretty much fueled by some fairly decent recruitment here through the end of the late '80's in here; and you can note very, very large year classes, the '94 and '98 year class. Overall, however, in recent times, even if you take out these two points, recruitment has been above average over the last decade.

If we just want to concentrate on what the biomass looks like, again, here it starts off fairly high, above a million metric tons, the prosecution of the ICNAF and foreign fisheries, and a crash in the '80's, and then again trending upwards. Note that this model suggests that Atlantic herring are about at a historical high.

If we look at catch and fishing mortality, again, a very similar picture. Here is the ICNAF fishery here, large landing levels and high fishing mortality, above 1 in here; and then as the landings declined, but there is still heavy fishing mortality in this area.

However, once the stock hits a very, very low level, a series of good recruitments and low fishing mortality, and the stock trends upwards, and in here we see a slight increase in catch over the last two decades. However, the fishing mortality is at very, very low levels, below 0.1.

One of the ways you can actually take a look at this is to use something called a surplus production plot. You can think of this as almost very similar to a bank where your surplus production is your interest and deposits and your catch is your withdrawals.

Any time your catch or your withdrawals is above your surplus production or inputs, you would expect that the stock would decline and vice versa; and so as you can see here, catch far exceeded surplus production during the foreign fishing, and then we have the crash associated in the late '70's and early '80's.

Since about 1983, what you can see is that surplus production has exceeded catch in this model by quite a bit since 1985, and that's the reason why the model sees a fairly high biomass.

One thing that's actually fairly useful is to take a look at catch versus natural mortality. Now in this model, natural mortality was assumed to be 0.2 across all age classes.

If you do that and you apply that 0.2 to the predicted biomass, you can see again that the amount that is left for natural mortality again trends upwards. Note towards the end of the time series, we're looking at a natural mortality in biomass terms at about 300 to 350,000 metric tons; whereas, landings, while they've trended upwards, are about half of that or less.

To get into some of the results for the forward-projection model and MSYs and reference points that fall out of it, we're going to compare the forward-projection model with the previous assessment done in 1998.

The MSY that comes out of this forward-projection model is about 222,000 metric tons for an MSY. Previously, that number had been estimated at 317. BMSY are roughly similar, and the F at MSY has changed a little bit, being a little bit lower.

Now this is just for the forward-projection model, and I'll get into the ADAPT fairly soon. If we look at some of the projections out to 2005, a fishing mortality of about 0.1 on a stock that's almost 2 million, yields you a catch of about 170,000 metric tons. Keep that catch of 170,000 metric tons in mind. And there's very little change in biomass out to 2005.

Fishing a little bit closer to the F at MSY yields you a catch of 320,000 metric tons, roughly, and note there's a slight decrease in the stock.

We're going to take a look now at the ADAPT, the VPA assessment method. Again, it has a very similar pattern with a very large fishing mortality out here during the foreign fishing and a trending downward over time since that fishery was no longer prosecuted.

But, note the magnitude of the fishing mortality has changed in this model. It's seeing a fishing mortality now that is just below 0.2.

Looking at biomass, again, they have very, very similar trends between the two models; very, very high biomass out here in the '60's and early '70's and

trending downwards as the fishing is prosecuted, staying low throughout the late '80's and early '90's, and then trending upwards, in this particular case, in this particular model run, about 0.8 million metric tons.

Note also that the ADAPT does not see the stock as at a historic high. Very similar pattern again also in recruitment; strong year classes seen by the ADAPT VPA here in 1970, then '94 and '98 year classes, and it actually sees a little bit here in the '95 and '96. But, overall, about on-average recruitment is seen by the ADAPT in the recent time frame.

This is the same plot that I showed you for the forward- projection model, only this is for the ADAPT. Again, this is the surplus production. Remember when your surplus production is above your catch in general, your stock tends to trend upwards.

As you can see, catch far exceeded surplus production in the late '60's, early '70's, and then was about surplus production, or about on the order of surplus production until about 1995 in which we have a large increase in the surplus production relative to the catch.

Now this was different than the forward-projection model, which suggests that after 1985 that surplus production exceeded catch by quite a bit. If we look at the projections when you use the ADAPT methodology out to 2005, you can see that there is a large difference between the forward projection and the ADAPT VPA.

Fishing mortality of 0.1 for a spawning stock biomass that's estimated at a little bit over 500,000 metric tons yields you a catch from the entire complex of about 60,000 metric tons and results in no decline in the spawning stock biomass out to 2005.

Fishing mortality of about 0.2 with the same biomass yields you a catch of about 100,000 metric tons, about the average over the last ten years, and results in a decline in the stock biomass by about 10 percent.

So now we're going to get into the model's issues, and there is lots of issues for both models. The forward-projection model, it's not very familiar. It's a new model used on this coast. It's been used for a little bit out on the west coast and in other countries.

It does assume a knife-edge recruitment at age 2, whereas other models have a tendency of using more of a partial recruitment, as you might know. The model does not fully utilize the age structure and the age samples.

It uses a stock recruitment relationship that's actually done by more of a literature search than it is done by estimating it internally, and that's somewhat of a problem. The forward- projection model implies that there is a lot of older fish in the population, fish that aren't normally seen in either the catch or the bottom trawl sampling.

Again, the 2002 estimates from the acoustics, which are used to tune the forward-projection model, are quite a bit off and that's probably the result of missing the spawning time out on Georges Bank this year.

The issues for the ADAPT assessment is that the ADAPT assessment did not incorporate the acoustic surveys from National Marine Fisheries Service. It has a severe retrospective pattern, which is a diagnostic tool in population dynamics that is used to test their models.

It depends on a very accurate catch at age; and during the TRAC, we've realized that there is actually a problem in aging herring, particularly as they get older, within this entire stock complex, and that's because growth is slowed.

So, aging is actually becoming much more filled with errors than it has been over the last two decades. The other problem is that the ADAPT VPA produces a surplus production plot that doesn't really trend along with the way landings have been.

If you look at the ADAPT methodology, it suggests that we have been taking way too much out of this stock over a long period of time, and that doesn't seem to jive with exactly what we have been removing.

We've been removing on the order of 100,000 metric tons, and yet 100,000 metric tons is supposed to take the stock down a peg by about 10 percent. Also, there were not any biomass reference points calculated from the ADAPT VPA.

So, the panel's conclusions is that the recent aging of herring is a problem, and, remember, the catch-at-age matrix is a prime input for the ADAPT VPA, and that's because the growth rates for Atlantic herring have certainly slowed.

The ADAPT depends heavily on that catch-at-age matrix, not so much on the surveys. The forward-

projection model actually depends more on the surveys than it does on the actual catch.

Both the Canadian and the U.S. bottom trawl surveys, as well as the larval indices, indicate that Atlantic herring are trending upwards, and the ADAPT VPA is suggesting that while the biomass is trending upwards, it's not as fast as the bottom trawl survey would suggest.

The acoustic survey suggests a fairly large biomass out on Georges Bank if taken in aggregate. The forward-projection model also suggests that there are more older fish in the population than we currently see through bottom trawl sampling and through the catch sampling.

Again, the ADAPT has a major retrospective pattern associated with it. Both assessments really agree in the time frame between 1963 and 1985, and I'll show you that in a minute.

The ADAPT and the forward-projection model are really quite different in many respects. They give you very, very different biological reference points. They also give you very, very different projections, and so each model is telling you a different part about what the stock is capable of.

Again, just to show you on a side-by-side comparison, the forward-projection model, sometimes called KLAMZ, is here in the black. The ADAPT is here in the red. As you can see, both models trend together fairly well until about 1985, where they start to diverge.

The forward-projection model sees a rapid increase in the stock while the ADAPT sees the stock languishing at a fairly moderate biomass level and then recent increases.

That can be seen actually by looking at the recruitment to age 1 that both models see. Here, in 1985, we see that divergence where the F forward-projection model sees a fairly large increase in age, actually in juveniles, a large recruitment where the ADAPT doesn't and that's what I have for this presentation.

(Whereupon, Chairman David V.D. Borden assumed the chair.)

CHAIRMAN DAVID V.D. BORDEN: Questions for Matt? Pat.

MR. PATTEN D. WHITE: As confusing as it is, this is really helpful. I'll go back to where we were a month or so ago. Do you have any explanation for what do the differences in the two assessments mean to us, Matt, as we look at this?

There seems to be a huge difference in how it's looked at from 1985 to now. And in trying to project where we go, I like what I see as far as what we're removing as opposed to what is rebuilding in there. But, boy, if I ran a business with spikes like that, I'd be really, really concerned.

DR. CIERI: Well, that's the nature of Atlantic herring.

MR. WHITE: But it wasn't before.

DR. CIERI: Well, I mean, the models diverged quite a bit after 1985. They have a tendency of focusing in on two different aspects of the stock.

The ADAPT sees an extremely productive stock that didn't get a lot of good recruitment, where the forward-projection model sees a much slower growing stock which did see a lot of recruitment, and so it tries to balance it.

They're both showing you accurate pictures of different aspects of this particular stock. However, the biomass calculations that fall out of them do tend to diverge.

One important thing to note is that the fishing mortalities that come out of both assessments for an F at MSY are nearly the same, somewhere in the 0.2 to 0.25. So they do agree on that. Why they diverged after 1985 is a product pretty much of the catch-at-age matrix and the different surveys.

MR. WHITE: The last question was should we be at all concerned about this difference in the size at age now being reduced?

DR. CIERI: No, it's basically a look at the population. Generally fish populations, as they become very numerous, have a tendency of growing slower at a particular age because they tend to be in competition with each other and so that's actually –- the size at age is actually an indication of population size, or it can be thought to indicate population size.

CHAIRMAN BORDEN: Dave Pierce and then I've got Dennis.

DR. PIERCE: You indicated that the 1994 and the 1998 year classes were high relative to other year classes in the near term here, throughout the '90's I guess, and that the other year classes were average or maybe below average.

I'm not sure exactly what you said there, but I know you said they were at least average, so you've got those two prominent year classes sticking out. Did you have any information regarding the strengths of the '99, the 2000, 2001, or 2002 year classes? Were they average, let's say?

DR. CIERI: Well, why don't we take a look. It does depend on what the model is looking at. Remember, 1999 is only just becoming fully recruited to the fishery. Fully recruits generally tend to come in at about age 2 to age 3, so they've recruited to the fishery, but they haven't actually recruited to the spawning stock biomass as of yet.

The '98 year class is actually just starting to come fully into the spawning stock biomass. However, the recruitment here in the last couple of years has been about the long-term average, so you're getting average recruitment for the most part, at least seen by the ADAPT VPA.

DR. PIERCE: Okay, I suspect, therefore, that as the years go by, you and your colleagues will be in a better position to judge whether or not there is Beverton/Holt recruitment relationship here because we have a very large spawning stock biomass, and we should be getting some good production of year classes, above average, I would hope, and certainly more frequent above average year classes. You did mention that the Beverton/Holt stock recruitment relationship was used in one of these and maybe both of these models?

DR. CIERI: Yes, Beverton/Holt was used in general for both models. They also predicted using Ricker and some other ones as well. The forward-projection model concentrated on the Beverton/Holt.

There was some other things that were put in the Canadian VPA, and I can show you what they used. They used both the Ricker, the Beverton/Holt, also a non-parametric, and then they log transformed all three, and so they have those diagnostics. It's actually in the assessment document, if you're interested.

DR. PIERCE: I am, thank you. All right, now, you show the results in terms of catch and stock size with different F values, 0.1 and 0.2, for the two different models, the ADAPT and the FPM.

I saw what I thought was a contradiction, and I would like for you to tell me where I'm wrong. With the FPM, if you go to that figure, or that, table I should say, that says 2-plus biomass, 2004 and 2005, 2-plus biomass, and those are the numbers that fall out of the projection. But when you did the ADAPT, or showed the data for the data for the ADAPT --

DR. CIERI: That's 3-plus biomass.

DR. PIERCE: That's 3-plus biomass, so that confused me. I wasn't sure what implications there were for the analysis and for us with one showing 3 plus and one showing 2 plus.

DR. CIERI: Right, the forward-projection model used age 2 plus; the ADAPT used age 3 plus. There isn't much of a difference. The difference in biomass between the number of age 2's and the number of age 3 pluses is very, very small.

There's not a lot of biomass in the age 2's and compared to the entire spawning stock biomass, so it really doesn't make much of a difference. They're roughly comparable.

DR. PIERCE: Okay, they're roughly comparable, but I would like to see them in the same units. I'll go with what you say, but still it adds some confusion to the debate.

DR. CIERI: Bill is rerunning the model, but when they did the assessment, Bill had initially run it as a 2 plus.

MR. ERIC SMITH: Can I add a follow up?

CHAIRMAN BORDEN: Eric.

MR. SMITH: If there's not much biomass in the age 2 fish, how come there's such a difference between the 1.8 million versus the 500,000?

DR. CIERI: That's not where the difference lies. The difference doesn't lie in the age 2 plus biomass. The difference lies in how the models look at the current stock.

CHAIRMAN BORDEN: David.

DR. PIERCE: Okay, I had one other question. I think you indicated that the scientists felt that we now have a different distribution of inshore

versus offshore herring, 15 percent versus 25 percent?

DR. CIERI: That's correct.

DR. PIERCE: Okay, and that's based on hydroacoustic information alone or is there some other information?

DR. CIERI: There's also some relative swept-area biomass for bottom trawl that suggests that. It's not that there has been a change from 15 to 25 percent; it's basically a re-estimation. We believe it's probably always been 15 percent, or has been in the last few years. This is just a change in how we've counted would be the best way of looking.

CHAIRMAN BORDEN: Dennis.

MR. DENNIS ABBOTT: Thank you, Mr. Chairman, a couple of questions, if I may. Pat said that he saw a lot of good things in this presentation. I guess if you want to see good things, you can see good things.

My concern is the fact that I see still the disparity between a biomass of 1.8 million and 550,000 metric tons. My first question would be, in this joint assessment were both models used by the Canadians and the Americans; or, is this going back to our May meeting where we heard that the Canadians came up with a low figure and the Americans came up with a high figure, which sent me home that evening really troubled that the scientists and the science would come before the board with just such a difference in numbers as to make our decisionmaking very difficult.

It would seem to me if the Canadians and the Americans meet and they are having a joint assessment, I would think that you would start the assessment by agreeing that you are going to do things similarly, that both sides would use the same modeling techniques at least, so that we would have some indication of the validity of the figures.

To me, with the figures as they are, it's very hard for me to make any decisions based on the biomass as presented. I don't dispute the science and the methodology at all. So my first question would be is one considered the U.S. model and one considered the Canadian model?

The other question that I had was in your 2002 figures, we talked about doing the survey, the acoustic survey, and we did it late and we missed a lot.

Would it not seem correct to throw those figures out as being unusable or biased or whatever you want? It would seem like those should not be part of a set of values. I'll stop with those questions, if I may.

DR. CIERI: First off, whenever scientists walk into a stock assessment, they're neither Canadian, Maine, or U.S. We're all there to do one thing and that's to figure out how much fish there are.

I don't believe there was any sort of political thing going on between the Canadian and the U.S. assessments. I do believe that the scientists took a different look at the stock in general.

I've got my own difficulties with running a VPA on this stock with such a high biomass and a low catch-at-age matrix, but it's certainly a valid way of doing it; and, in fact, that was the '98 assessment, was doing it that way.

The U.S. actually did run both models and tweaked them a little bit differently. The Canadians only ran the ADAPT VPA, so they're not as familiar with the forward-projection model. As I had suggested, it was fairly new.

The second question, I'm sorry, was -– oh, the use of the hydroacoustics. The idea of whether or not to include it or not to include that end year class is certainly a judgment call.

While it is much lower than previous years, whether or not it's within the error that you would normally associate with this type of a survey is a decision that is made by assessment scientists through the process.

Bill ran the model over and over again when we were in New Brunswick, and we all saw the fact of whether you kept that particular datapoint in or whether you tossed it out, the model came out to be about roughly the same.

MR. ABBOTT: Just a quick follow up. So, essentially the ADAPT is the Canadian figures and the KLAMZ, or whatever, is the American? I'm not talking about politics or anything, just science.

DR. CIERI: Yes, I mean, in general the people that ran the ADAPT VPA, the final formulation, were the Canadians. but the U.S. ran both models.

CHAIRMAN BORDEN: Bill Adler and then Vito.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman, just an explanation, please. At one point in your presentation, you mentioned that the size was down, the overall sizes were down?

DR. CIERI: That's correct.

MR. ADLER: But then you said the weight was up.

DR. CIERI: The weight of the stock is up.

MR. ADLER: Oh, as a whole.

DR. CIERI: As a whole. The individual weight at age has actually declined.

MR. ADLER: Okay, if there is more little ones –- yes, okay, thank you very much. I got confused.

CHAIRMAN BORDEN: Vito.

MR. CALOMO: Thank you, Mr. Chairman. Matt, I think the presentation was excellent. I enjoyed it. Not that I agree on some of the numbers, but I enjoyed it very much.

I also wanted to tell you, Matt, the increase started around 1983. That's the year I sold my boat. I got out of the fishing, so you had a definite increase. I got out of the herring business that year.

But on a very serious note, Matt, I'm just trying to figure that since 1995 the U.S. and Canada -- and I've been to a lot of the meetings -- they've never agreed, not even in the same boat when it came to the herring assessment. It was like night and day.

We were at 3.5 million or 2.7 million metric tons and they were always at the hundreds of thousands of metric tons, so we've never agreed.

This is the first year I've seen, out of the past eight years, Mr. Chairman, that the American side, with Bill Overholtz leading the charge, has come down to 1.8 million metric tons; and he still claims, and he has publicly claimed, and at the many meetings he has claimed that he missed the spawning time and he thinks he missed a large aggregate of fish.

But he's still at, like, 1.8 million metric tons, compared to 800,000 metric tons. And also, Mr. Chairman, I see that both the U.S. and Canada still see upward trends.

And my last question -- I guess I gave you some answers, but my last question is, for the first time, Mr. Chairman, since I've been going to these meetings, even with this table here, it's troublesome to me just a little bit, mainly that 1.8 million metric tons, catching 323,000 metric tons, which has been a conservative figure for us over the many years, we would start a trend downward in the biomass of age 2 and above fish.

The many times I've heard Bill Overholtz make his presentation and the many times I've been on the phone with the National Marine Fisheries Service, NOAA, they've never said that even catching 323,000 or more, it was like 350,000, that we would have a decrease in the biomass.

They actually had told me many, many, many times, and publicly I've stated that the biomass would increase by something like 30 percent.

This is the only thing I've seen that has varied in the past eight years, and I'm just not so sure where that is coming from because the biomass, again, has been the largest recorded since the foreign nationals have left.

And that question, Matt, I would like to have an answer to sometime when it's appropriate. But I just don't see why all of a sudden now taking 300 –- we haven't taken 300, but if we take 323,000 metric tons at an F of 0.2 rate, why we would decrease the biomass of 2-plus fish.

DR. CIERI: The answer is that the '94 year class is actually moving into the very large plus group in the ADAPT VPA, or moving towards the end of the population.

Basically, you have a very large group of fish that are getting older, and they're pretty much going to start hitting natural mortality fairly soon, so that '94 year class as of this year is ten years old. That's pretty old for a herring.

MR. CALOMO: You've given me the answer that I thought would be the answer, to be quite frank with you. I kind of led you down the pike because I know they die at ten years.

I've been working with the great Dr. Pierce for about twenty years on this, but I want to say that I know that's happening, and so they're going to die of old

age and that's what they're going to die of, maturity, and be spent out.

That's why we're probably seeing our fishermen are now catching larger fish as of this spring fishery, so this is the first time we've seen some much larger fish come into it. Thanks a lot. I appreciate your answer for that.

CHAIRMAN BORDEN: Ritchie.

MR. G. RITCHIE WHITE: Thank you, Mr. Chairman. The change of the inshore Gulf of Maine stock from 25 down to 15, does that increase concern over harvest rates in 1A?

DR. CIERI: It definitely plays some part into it. Like I said, it's a re-estimation. The council and the council's PDT will be addressing that issue of harvest rates and area TAC allocations, and we already have.

It does put a crimp in the mixing design that's currently in place in the FMP. I'll let Lori go over a lot of that stuff when she gives her presentation, and I'll also be giving a presentation on the findings of the SSC.

Just so that we can all be quite clear, while we do have two models, this model has actually been through two panels of independent experts, neither of which have had the ability to choose one or choose another or to specify MSY.

CHAIRMAN BORDEN: Eric.

MR. SMITH: Thank you, Mr. Chairman. I have one question, but it has four parts. They're short parts. You had been asked if there was difficulty aging old fish, and you said, yes, and I got curious then. In the VPA, there is a way to aggregate older ages, and I wondered if the Canadians did that or did they carry it right out to ten year old?

DR. CIERI: Actually, that was one of the runs that we did, but it was extremely unstable. It needs to be done again. That's actually one of the recommendations of the SSC, is to rerun the model as an aggregate.

MR. SMITH: Okay, and you had said weight at age has decreased over time, and I'm confused whether that's a problem for the modeling efforts or is it simply a reality of the stock compensating for high stock size?

DR. CIERI: It's actually the latter. We did a comparison in aging between the Canadians and the U.S., and we both started to diverge after age 5. Fish that were older than age 5, both the Canadian reader and the two U.S. readers tended to be a little bit off.

However, the drop in weight at age, if you look at this here is not only for the older ages, but it's also for ages 3 and for ages 2 in general, and so we see a downward trend even in the ages in which we agree on.

So here for age 3, for example, where we do agree, there is still this downward, and for age 4's there is a large downward trend, and it's only after age 5's that the Canadian and U.S. readers started to diverge.

MR. SMITH: I guess this is sort of related to what you said. I'm still curious whether aging in the model is a problem. It's related to something you said, and I didn't get that idea down real well. Aging in the model, is it a problem because of the slower growth or is it an inability, and that's kind of just what you said there.

DR. CIERI: Yes, it's about slower growth. However, the VPA needs to have accurate aging. It's a fundamental input for VPA to have an accurate catch-at-age matrix. With some aging problems, it tends to question the validity of a virtual population analysis.

But, that might be partly why we're seeing such a large difference in the retrospective pattern as well, but it's only a recent phenomenon.

Probably over the last probably five years we've been having this type of a difficulty with herring, and it's something that we're going to have a workshop on, hopefully sometime this next year, to see if we can get back to some accurate aging among all readers. It is a problem for any age-structured model to have a catch-at-age matrix with errors in it, aging errors in it.

MR. SMITH: Okay, and the other one then is the forward- projection model assumes -– I guess it was a conclusion of the model that there seemed to be or should be more older fish in the stock, and I'm just wondering is that true from other surveys?

Does the trawl survey see lots more bigger fish? Vito had mentioned a minute ago that the fishery seems to be seeing them in 2003.

DR. CIERI: It does, but if you actually go back and rerun the model, it's suggesting a lot more

fish in the very, very upper ends of the age classes, for example, age 7, 8's, and 9's.

MR. SMITH: It's suggesting they are there, but do the other surveys validate that or not?

DR. CIERI: We do see some, but we don't see the numbers that we should be seeing according to the forward-projection model.

CHAIRMAN BORDEN: John Nelson.

MR. JOHN I. NELSON: Thank you, Mr. Chairman. I think Eric and Matt probably answered one of my questions or one part of my first question, and that was really if the scientists, have they figured out what they need to improve on the models, the various parameters of the models, in order to deal with having a model that actually forecasts the fishery correctly?

I think age is certainly one of those factors that you pointed out. But, let me go to the ADAPT because that doesn't use the ages as much as a VPA does, does it?

DR. CIERI: The forward-projection model doesn't. The ADAPT is a VPA. We use them interchangeably.

MR. NELSON: Well, let me ask you this on the ADAPT, because it seems like it's projecting a growth in the overall biomass, but a slow growth, and it also seems that if we were fishing at the level that we were fishing at, that its prediction was that you should be seeing a decline. So, how do they account for the fact that the biomass actually is increasing when they're predicting –-

DR. CIERI: Even though you've been taking over a hundred thousand metric tons since about fifteen years?

MR. NELSON: Yes.

DR. CIERI: They don't account for it. The suggestion is that very, very high recruitment might be bolstering the stock, recruitment that is well above average.

MR. NELSON: But we're not seeing that.

DR. CIERI: Well, we are seeing that. The '94 and '98 year classes were extremely strong, and even the '95, '96 were at least a little bit above average.

So, the ADAPT model is suggesting the reason why we've been able to keep some of these catches the way we have been is because we've been seeing very, very large recruitment.

MR. NELSON: All right, so let me sum it up. So, the scientists on either side recognize that their models are being developed and need to be refined in order to have a good picture of what is happening with the herring stock in both cases?

DR. CIERI: Actually, the SSC –- this was actually a term of reference for the SSC, and I will get into that when I do that presentation.

In general, by the time we do the next assessment, which is scheduled to be 2005-2006, we're hoping to have a better estimation of ages, to be able to run the models again side by side, to have more and a longer time series for the acoustics, which I think will be critical.

MR. NELSON: Let me just say one last thing, then. So, it's kind of –- we're not getting a sense of do something different; it's probably pretty much steady as you go?

DR. CIERI: That's not something that I can actually say.

MR. NELSON: But they didn't say don't do steady as you go.

DR. CIERI: We will get into that when we get into the SSC.

CHAIRMAN BORDEN: Dave Pierce.

DR. PIERCE: The catch from the Canadian New Brunswick weir fishery that averages 20,000 metric tons, I assume that's what went into the calculations that were done by the group. I note that there still is the assumption that these fish are from the inshore portion of the Gulf of Maine?

DR. CIERI: That is correct.

DR. PIERCE: Okay, it's still an assumption. There was no discussion, no additional data, no further insights as to whether or not this, indeed, is a good assumption or is it just an assumption you have to make because you just don't know?

DR. CIERI: And it's a tough point.

CHAIRMAN BORDEN: Matt, can I interject just one thought here just so that everyone is clear. The Canadians assume, so that you're clear, David, that the juveniles are from Gulf of Maine stock and the adults are from Nova Scotia stock.

DR. PIERCE: Okay, so the adults are -– okay, but the U.S. is assuming that the adults are coming from the inshore portion of the Gulf of Maine, so there is another -–

CHAIRMAN BORDEN: No.

DR. PIERCE: We're not?

DR. CIERI: We're not, and in many cases it doesn't really make a difference. 98 percent of the fish that are caught in the New Brunswick weir fishery are juveniles, which means they're coming -– so roughly 98 percent of what is coming into the New Brunswick weir fishery are juveniles from the Gulf of Maine. There's only a very small amount of adult fish coming from --

DR. PIERCE: All right, thank you. Now, we have in our package of material the stock status report provided by the Canadians DFO, and Gary Melvin in particular put this together. He seems to be the only author listed here in the document.

I have it and it's got many of the same figures, and I just need to know is this a fair and accurate representation of the different points of view as to what is going on with herring right now?

In other words, does it have a Canadian bias? If I read this, should I feel comfortable with it knowing that it's got a maple leaf on it instead of a stars and stripes?

DR. CIERI: All the documents that come out of this TRAC assessment paint a fair and accurate view of the issues surrounding using both these different types of models, whether it's the Canadian stock status report or whether it's the consensus document coming out of Bill Overholtz's office.

You know, Bill has presented the TRAC in its entirety to the SSC. There's a mixing back and forth. I don't believe there's any sort of bias.

DR. PIERCE: Okay, so you've looked at it and you don't think there is a bias. It's been put together by Gary Melvin, the Canadian, so I can use this and not set it aside?

DR. CIERI: Right.

DR. PIERCE: Okay, I just wanted to make sure.

DR. CIERI: It's an official Canadian publication.

DR. PIERCE: Well, that doesn't help me. It's an official Canadian publication, but it provides a very fair and accurate representation of the U.S. modeling efforts and the conclusions of those efforts, right?

DR. CIERI: Right, that is correct.

DR. PIERCE: Okay. On page 5 of that document, there is a reference to the KLAMZ, in other words, the FPM -- this is the U.S. modeling effort, and it says that model leans towards the scaling implied by the acoustic survey biomass estimates.

So, I continue to think that the reason why we have this big discrepancy between the Canadian work and the U.S. work or analyses, Canadian and U.S., is that we're relying on acoustic information and the Canadians are not?

DR. CIERI: That's actually incorrect.

DR. PIERCE: Okay, so therein lies some of my problems because I have always thought that -– I have thought that the primary reason for this difference in conclusions and recommendations has been the acoustic information. You're saying that is not the case.

Then to what extent has the acoustic information played a role in leading towards the conclusion that the biomass is much higher than what came out of the Canadian analysis?

DR. CIERI: It's not the surveys that make the difference between the two models. In fact, Bill ran the forward- projection model without the acoustics, and it came out to be about the same number, if not a little bit higher.

DR. PIERCE: So both surveys rely heavily on the bottom trawl survey data; is that what you just said?

DR. CIERI: No, I'm sorry, that wasn't what I said. The forward-projection model tends to use

surveys more intently than the VPA. Bill did run the forward-projection model without the acoustic information in it, and actually it was a little bit higher in spawning stock biomass when he did so.

DR. PIERCE: Okay, just one other thing, and I don't understand it yet and I'm going to have to maybe talk to you about this or some of your colleagues about this, and that's, again, from the Canadian report on page 5, second column, there's a description of the survey data, the bottom trawl survey data, and I don't know what to make of the description.

Specifically, there is a recommendation, of course, that we need to continue the hydroacoustic survey and that will help us in the future better identify what the trends are in the biomass, and, of course, we need to improve the age determinations.

Then it says -- and this is where I have a problem -- while results are substantially different; that is, between the models, the estimation error internal to each model is considerable, blurring the statistical significance of those differences, and this is a reflection of the great variation in the observed survey indices.

I'm not exactly sure what it means by blurring the statistical significance. I know there's a lot of variation in survey indices, but this leaves me with somewhat of an uncomfortable feeling, especially the remainder of that paragraph two that just speaks to the uncertainty of the assessment, regardless of which way you go.

DR. CIERI: That's correct.

DR. PIERCE: That's a simple answer to my long question and comments. Anyway, I feel that I need more information regarding that particular description, which to me is still hard to understand.

DR. CIERI: If we go back to actually taking a look at –- here is what the model is referring to. Now while there is an upward trend, you can certainly see that there's a whole lot in the way of variation when it comes to the bottom trawl survey. There's an awful lot of variation when it comes to the hydroacoustics as well.

The models themselves, both of them, have large amounts of internal error, and, in fact, their F at MSY are not statistically significantly different when you actually go through the bootstrap calculations. That's actually shown in one of the figures where it shows the error around both models and that's presented, I believe, in the TRAC documentation.

So, as you can see, both models have a lot of error associated with them, and the reason why they have a lot of error associated with them is because of indexes like that one.

DR. PIERCE: Okay, so even though they're very much different on paper, in actuality they may be the same because of the inherent variabilities so –-

DR. CIERI: In fishing mortality, yes. In overall biomass, they were significantly different.

DR. PIERCE: Okay, so in overall biomass, they were significantly different?

DR. CIERI: Yes.

DR. PIERCE: But fishing mortality you just said they weren't?

DR. CIERI: They're not. And the difference is that F at MSY estimated by the Canadians was 0.2. F at MSY from the forward-projection model was 0.25, not significantly different in this case.

CHAIRMAN BORDEN: Lew.

MR. FLAGG: Thank you, Mr. Chairman. Matt, I had a question on the aging disparities between U.S. and Canadian scientists, and I'm just curious as to whether or not –- do the Canadians, as a matter of course, generally underestimate the age of the fish that are in the catch?

DR. CIERI: Yes, they have a tendency of underestimating the ages in general. There were two Canadian readers and two U.S. readers. We swapped otoliths from Atlantic herring back and forth, and, yes, they tended to usually come in a little bit lower.

MR. FLAGG: That's the other question I had. They used the same sample otoliths?

DR. CIERI: Yes, we use the same reference otolith set.

MR. FLAGG: So they use the same techniques for aging purposes?

DR. CIERI: Yes.

MR. FLAGG: The other question I had is I was rather curious. It seems to me that back around 1998, when the last major stock assessment was done, the Canadian approach was that the surplus production model was around 80,000 metric tons at that time.

It hasn't gone up –- it doesn't seem as though, based on some of the historical Canadian assessments, that the numbers, in terms of allowable catch, have really not gone up very much.

I'm just wondering if in fact the Georges Bank stock complex has increased substantially over time. It would seem to me that there's a lack of recognition on the part of the Canadians that in fact the Georges Bank component is getting to be a very much larger stock size. If their catch rates or their quotas are relatively constant, there can't be much recognition that the stock size is increasing anywhere.

DR. CIERI: That's correct. I don't believe the ADAPT is clearly seeing the Georges Bank component and its productivity, but that's my own personal view. As I said, both the TRAC and the SSC could not make a differentiation between the two models.

CHAIRMAN BORDEN: Matt, I've got a couple of questions for you, and then what I think what I'm going to do is move on to the SSC report. How well does the bottom trawl survey sample the older year classes in the population?

DR. CIERI: If they're there, it should sample them in a relative manner. It's certainly not the best way to catch Atlantic herring, but it should be a representative sample of what is there.

CHAIRMAN BORDEN: Okay, and how do the weights now compare to a period when the population was similar, back in the '70's or '80's, for instance?

DR. CIERI: They're actually comparable if I can show you that figure. Of course, back here in the early '70's down here, we don't have really, really good sampling, but they're roughly comparable.

Again, when the fishery collapsed and the population went through a crash, weight at age just skyrocketed and now it's trending downwards again.

CHAIRMAN BORDEN: Okay, and the last question is relative to the Canadian use of the acoustic information, part of the reason we developed acoustic capabilities is the Canadians had been using that to assess their individual spawning aggregations, and then essentially using that data to calculate a TAC from it.

I'm just curious, why is it that the Canadian assessment doesn't use -– I mean, they started off using it and now it seems like they're not using that information at all.

DR. CIERI: DFO does not use an ADAPT VPA on any one of its other herring stocks. It uses hydroacoustics.

CHAIRMAN BORDEN: Interesting. Vito.

MR. CALOMO: Matt, when you do the survey in 2005 and 2006, coming up, will you be incorporating any of the platforms that are now into the fisheries from the commercial side as a joint collaboration of the surveys?

DR. CIERI: Yes. In a relative sense, yes, and there is also the fishery independent survey that goes on in the interior Gulf of Maine, which is done with the Gulf of Maine Aquarium and DMR.

MR. CALOMO: Yes, I'm very familiar with the inshore surveys. Now that we have platforms finally in the Commonwealth of Massachusetts and other areas and the two new plants on line, I was just trying to figure that these platforms are capable of getting offshore and helping maybe with the surveys.

DR. CIERI: That's true.

MR. CALOMO: And I would like to see some kind of joint collaboration with the vessels that we do have at the Commonwealth.

DR. CIERI: We're actually going to schedule, hopefully, an intercalibration between National Marine Fisheries Service and the commercial fleet some time this year.

MR. CALOMO: Thank you, Mr. Chairman.

CHAIRMAN BORDEN: All right, Lew, and then we're going to move on.

MR. FLAGG: Thank you. Yes, Matt, in terms of the decline in weight at age, is this pretty much representative of the overall stock complex or

can you say anything about individual stock components relative to weight at age?

DR. CIERI: Weight at age, no, but what I have done is actually broken out the inshore spawning component from the samples by looking at individuals that are spawning in the inshore area and look at total length versus looking at total weight. It shows a similar trend, that there has actually been a decrease in total length at age for inshore spawners.

CHAIRMAN BORDEN: David.

MR. DAVID ELLENTON: Thank you, Mr. Chairman, Dave Ellenton, Cape Seafoods. At one of the meetings where Bill Overholtz gave his presentation, Matt, he also gave us a list of what he called show-stopping reasons why we shouldn't use the Canadian assessment. Do you have a copy of that list?

DR. CIERI: I do.

MR. ELLENTON: Is it something you could put up on the board for people to see?

DR. CIERI: No, I don't have it in presentation format.

MR. ELLENTON: He made it very clear at the time, and he actually put a slide on the screen of reasons why we should complete ignore the Canadian assessment.

DR. CIERI: However, I will comment that neither the TRAC nor the SSC was able to fully support either model. That's two panels of independent experts.

SSC RECOMMENDATIONS

CHAIRMAN BORDEN: All right, let's move on with the SSC report. Matt, are you going to do that also?

DR. CIERI: Yes, I'm up here for the duration.

CHAIRMAN BORDEN: Just because of the differences between the U.S. and Canadian assessment, essentially, the council wanted an outside group to evaluate the merits of the two different assessments, and so they referred it to their SSC and Matt is going to report on that.

MR. FLAGG: Just very quickly, for those of you that may be staying over tomorrow, Andy Rosenberg will be making this presentation to the council tomorrow, so we'll be hearing this again. For those of you that would want to partake in that, it should be in the morning tomorrow.

DR. CIERI: And it should be a lively debate. So, the PDT, in conjunction with the Atlantic Herring Committee, decided that because we have two separate assessments with conflicting information, to basically dump it in the lap of the SSC and ask them a series of questions, to give them terms of references and hopefully for the PDT to get some guidance when it comes to setting biological reference points and MSY.

So, the Science and Statistical Committee met in Boston, Massachusetts. The first term of reference was to provide management advice regarding reference points MSY, BMSY, and F at MSY.

The comments that came back from the SSC was that the MSY contained in the herring plan of 317,000 metric tons was too high, not precautionary; that the F of MSY, estimated from both the ADAPT and the forward-projection model, in the range of 0.2 to 0.25 were reasonable on a stock complex basis.

However, they suggested that fishing below MSY for the entire complex may jeopardize some of the other smaller stock components which make up the complex, and that you have to take into account the distribution of catches and the migration of these subcomponents into account when setting TAC's.

They suggested that an MSY at the 15-year average catch was a precautionary approach. They also suggested, however, that the fishery can expand as long as you're not overexploiting smaller stock components, particularly in reference to the interior Gulf of Maine.

To look at whether or not you can expand the fishery in areas where fishing does occur, they suggested that the plan development team take on a risk analysis assessment, which we have sort of completed and will be completing shortly.

Term of Reference Number 2 was to provide advice on the qualitative risk of a significant decline in the Atlantic herring biomass if projected levels of catch from the two different assessment methods were done for 2005.

The SSC came back and said they were not able to evaluate. Current catch levels, they suggested, were

keeping the biomass stable, if not increasing. They did not see stock-wide declines with the current catch level.

However, concentrated effort on one or more stock components may jeopardize those stock components and outweigh any risk to the entire complex as a whole.

They expressed concern that the Gulf of Maine may be –- the level of harvest from the Gulf of Maine may be excessive. They, however, suggested that there is little risk in maintaining current catch levels.

Term of Reference Number 3, getting back to David's point, comment on the methods that might be used to resolve the discrepancies between the two assessments. They suggested that the scientists were pursuing the appropriate methods, but that this will take some time.

Again, they got back to the point of the current harvest seemed appropriate and was not driving the stock down. However, they suggested that recent high recruitment might be supporting those current catch levels, recruitment that's above average.

They suggested again that some components may be heavily exploited and that this should drive management plans for this resource. They suggested tagging studies to help examine the mixing and to track components on feeding and wintering grounds.

They then suggested that the VPA retrospective was quite large and that there was something amiss with the Canadian VPA. However, they suggested that the spikes in the year class should be examined and see how they work through both models as a diagnostic tool.

They also suggested that the VPA should be run with the hydroacoustics so that a more side-by-side comparison between the two assessments can be made. That's it.

CHAIRMAN BORDEN: Questions? David.

DR. PIERCE: Okay, Matt, for the first term of reference, it says the current estimate of MSY, 317,000, is too high. It goes on from there and suggests precautionary fisheries management. Did the SSC have any suggestions as to what the MSY should be?

DR. CIERI: Absolutely not.

DR. PIERCE: Okay, so they just felt it was too high, but they don't know what it should be.

DR. CIERI: They said that they were not going to comment on the appropriate level for MSY, that should be done by the PDT through the risk analysis.

DR. PIERCE: Through the risk analysis. I haven't digested this yet, but you certainly have. You're optimistic that a risk assessment actually can be done to provide the PDT with the information necessary to recommend some MSY?

DR. CIERI: Yes, it's currently on my computer.

DR. PIERCE: Damn, you're good. So it's currently on your computer, and when will you share those results with us?

DR. CIERI: I haven't vented it through the rest of the PDT yet. We're working on it back and forth over e-mail. It will be available for the committee meeting, for the joint Advisory, TC, and Committee meeting at the end of July.

DR. PIERCE: You're in very powerful position, almost God-like. I appreciate your need to be –- mum's the word, right, okay. Thank you, sir.

DR. CIERI: The different alternatives that are being analyzed will be presented by Lori.

CHAIRMAN BORDEN: David, you know what it's like being in a God- like position, given your experience on dogfish. Other questions for Matt, and I've asked Lori to come to the table. She can also assist. Dennis.

MR. ABBOTT: Just a short question. On a practical matter, or a practical basis how do you conduct a tagging survey on a creature like herring?

DR. CIERI: You can actually do it -– there is one way that was tried. Actually, Kohl Kanwit is doing that for her master's thesis. She is going to be using floy tags and looking at returns.

She initially had started off with coded micro wire tags, but those turned out to be a detection problem at some of the plants, so that was not feasible and very expensive.

CHAIRMAN BORDEN: Ritchie and then Vito.

MR. WHITE: No severe declines in the stock complex should be expected by maintaining current levels of catch over the short term; any sense of what short term means?

DR. CIERI: Probably within the time frame they're thinking about is about the five- or six-year mark, would be my guess, but it's hard to say. It's very ambiguous. Probably until we get a new assessment; that would be good.

CHAIRMAN BORDEN: Vito.

MR. CALOMO: Well, Massachusetts and New Hampshire are thinking the same. Ritchie asked about the same question. It says maintaining current levels, and that's what they're saying. Am I right, Matt, I've heard you say that -–

DR. CIERI: They are suggesting not current TAC allotments or allocations, but current catch levels.

MR. CALOMO: In other words, are you saying that maybe the TAC should be changed in certain areas, but the total allowable catch should be the same; are you saying that to me?

DR. CIERI: The total allowable catch, they are suggesting –- and, again, I'm not on the SSC and Andy will eagerly answer your questions tomorrow. However, they suggested that the total allowable catch at its current levels is a precautionary approach.

MR. CALOMO: I was at that meeting, Matt, and I did hear Andy Rosenberg speak. I heard others trying to say something, and he says I'm not saying that, I'm not saying that, I'm not saying that and he kept saying, well, you know, we're doing all right. I just wanted to hear what you had to say. Thank you.

CHAIRMAN BORDEN: Ritchie.

MR. WHITE: A follow up. The next part of the sentence is the current concentration of harvest in the inshore Gulf of Maine is of concern and may be excessive, so the sense is that maybe something should be done prior to the short term on that?

DR. CIERI: When it comes to actually –- you really need to sit down and take a look at the risk analysis and what comes out of the PDT over the next few weeks.

But, overall, in setting the MSY, the SSC was fairly adamant about current catch levels. But, they did suggest that the fishery can expand as long as it expanded in areas not to jeopardize the inshore component.

CHAIRMAN BORDEN: Vito.

MR. CALOMO: Mr. Chairman, I'll be blunt, as I usually am, Mr. Chairman. As far as I can remember, back when we started fisheries management plans, there has always been a concern about the inshore Gulf of Maine. Whether it was the stock or whether it was the fishermen, I'm not sure.

It's never been that we're overfishing at 60,000 metric tons in the inshore Gulf of Maine. It's been who wants to take it, and there's a concern, there's a concern, there's a concern. You know, we froze it at 60,000 metric tons TAC, and when that is caught, it's shut down.

I have not heard a scientist say that we should reduce the inshore Gulf of Maine. I have not heard that. But concern, concern, concern, yes, Mr. Chairman, I have heard that and sometimes -– I'll be a little redundant again -- that it doesn't really come from scientists, it comes from fishermen. So thank you, Mr. Chairman.

DR. CIERI: It might come from the PDT.

UPDATE ON THE NEFMC'S DEVELOPMENT OF AMENDMENT TO THE FEDERAL ATLANTIC HERRING FMP

CHAIRMAN BORDEN: Other questions for Matt? I'm sure we're going to come back to this and the previous presentation once we get into the actions that are required. Lori, do you want to update us on the Amendment 1?

MS. LORI STEELE: Sure. Would you like me to start with the timelines?

CHAIRMAN BORDEN: Sure.

MS. STEELE: I believe that Megan distributed a timeline for our Herring Amendment 1 on the back side of a timeline for the ASMFC Amendment 2 development.

Just very generally, what our timeline is looking like at this point is right now we are in the process of

digesting the SSC recommendations and working with the committee and the advisory panel to develop management alternatives for consideration in this amendment.

The council is scheduled actually tomorrow to approve the goals and objectives for this amendment, and then at the September council meeting of this year, which is September 16th through 18th, the council will approve the range of alternatives for analysis.

After the September council meeting, the plan development team will spend the rest of this year working on the draft environmental impact statement and the analysis of all the alternatives under consideration.

We will bring the draft EIS back to the committee and the council in January to select preferred alternatives and to approve the draft EIS for public hearings.

We will then submit it to NMFS. Public hearings, depending on how long the review of the draft EIS takes, we're anticipating that public hearings will be sometime around April of next year.

We've got a 45-day comment period required by NEPA, during which time we will hold the public hearings, and then the committee and the advisors will get back together and make their recommendations for final management measures.

The council will approve final management measures hopefully next June. It's a little unclear because it will depend on when NMFS approves the draft EIS to start the comment period. Also, at this point we don't have a June council meeting scheduled.

I don't know exactly how that's going to work out. We're either going to schedule a special meeting in June or we'll do it July, depending on what the situation is at that time.
The objective is to get it submitted and implemented as close to the beginning of the 2005 fishing year as possible. That's kind of the very general timeline.

CHAIRMAN BORDEN: Questions for Lori on the timeline? Dave Pierce.

DR. PIERCE: Regarding the goals and objectives that were mentioned, tomorrow they'll be presented to the council for approval?

MS. STEELE: Yes.

CHAIRMAN BORDEN: And we're going to discuss those in greater detail coming up. No other questions, scoping document.

MS. STEELE: The scoping document was probably in your packet of materials.

CHAIRMAN BORDEN: Yes.

MS. STEELE: Would you like me to walk through the issues that were in the scoping document?

CHAIRMAN BORDEN: Just briefly.

MS. STEELE: Or, would you like me to go right to the comments or both?

CHAIRMAN BORDEN: Well, actually it might be most beneficial just to go to the comments and allow the committee members to ask you to answer any questions they may have on the scoping document.

MS. STEELE: In the packet of materials you received for this meeting, there was a rather large package of scoping comments. There's a little confusion because this was originally Amendment 2 to our herring management plan and now it's Amendment 1.

So, anything you see that says Amendment 2 really should say Amendment 1. It's all Amendment 1, all of it. Everything is Amendment 1.

There's a cover memo dated June 18, 2003, from Paul Howard on top of the packet of scoping comments we received, and I'll just go over it very briefly.

During the scoping period, which essentially ran from about the end of April to June 2nd, 2003, we received 25 written letters. We also conducted four scoping meetings, some of which were well attended, and we received comments at all four of those scoping meetings. You've also got the meeting summaries from those scoping meetings in your packet.

We also received a bunch of comment cards that really were –- they were all the same and they expressed support for a limited access program in all management areas that uses the September 1999 control date.

We actually got thirteen of those comment cards before the scoping period ended on June 2nd, and then we got another 27 of them after the comment period officially ended on June 2nd. There's some copies of those in your packet. I think we copied the original thirteen, but you can just assume that the other 27 are identical.

The big issues that were raised during scoping and the comments that we received were really –- a lot of them were about limited access. Limited access is one of the big issues in this amendment, and the comments on limited access really kind of ranged the spectrum.

A lot of people expressed support for limited access throughout the entire fishery in all management areas. A lot of those who did express support for a limited access in all management areas also expressed support for using the 1999 control date as the basis for qualification.

Others didn't. Others felt that because we have some areas where the TAC's have not been fully utilized, that if there is a limited access program in all management areas, it may not be appropriate to base qualification for all management areas on the September 1999 control date.

Others suggested that herring is underutilized and shouldn't be subject to a limited access at all. Some people who didn't support limited access in all management areas did express support for some sort of a controlled access program for Areas 2 and 3, in particular; something that would allow the fishery to remain open for some period of time.

Then as the TAC's became more fully utilized, something would trigger some sort of a limited access program in those areas. Regarding limited access, a lot of fixed-gear fishermen, particularly in Maine, expressed concerns about being eliminated from the fishery and requested that in one way or another fixed- gear fisheries be addressed and access for fixed-gear fisheries be allowed to continue under a limited access program.

That actually might be an issue that this section wants to focus on because I would imagine that all fixed-gear fishermen are fishing in state waters.

Some people did suggest that we develop separate criteria for directed fishery participants versus incidental catch fishery participants so that people who catch herring incidentally in smaller amounts aren't forced to throw the fish overboard because they can't qualify for a limited access permit.

Some folks for the Mid-Atlantic expressed concerns about getting into the fishery under a limited access program because they may not have fished in all management areas or because they've been focusing on mackerel more recently.

So, there was a lot of concern during scoping brought up about the herring/mackerel overlap and the need to ensure that mackerel fishermen, or at least people who target mackerel more than herring, don't get eliminated from the fishery and then consequently have to discard their herring. So that kind of very generally covered the limited access comments we got. They were really kind of all over the place.

Forage was another big issue that was brought up during scoping and the importance of herring as a forage species. Some people did suggest that we make an attempt in this amendment to identify the trophic interactions, anything that we really know about herring as forage, and to sort of start developing that knowledge base as part of this amendment.

Others suggested that we identify the importance of forage in the goals and objectives for this amendment. Others suggested that we do something about it, that we either lower the optimum yield for the fishery or set aside some amount for forage, or something like that.

Some interest groups expressed a lot of concern about localized depletion of herring, particularly for tuna fishermen and particularly in the inshore Gulf of Maine.

Some of the tuna interests expressed concern that the inshore Gulf of Maine component of the resource has been overexploited and has caused localized depletions in the inshore Gulf of Maine, which affect fishing for tuna in the summertime in that area.

Bycatch was another issue that was brought up a lot, and I guess really the issue is the lack of information about bycatch. Those who commented on the issue expressed concern that we don't have good information about bycatch in the herring fishery, and that's bycatch of herring as well as bycatch of other species.

There were a lot of comments, and if you have had a chance to look at the comments, a lot of people who expressed concern about bycatch did misinterpret the

5 percent bycatch standard and assumed that the herring fishery is allowed to take 5 percent groundfish bycatch, which it's not.

But, some people took the total TAC for herring and multiplied it by 5 percent and concluded that the herring fishery is catching 12,500 metric tons of groundfish, which it's not. I think we need to clarify that in the amendment, at the very least.

Some suggestions for observer coverage, some suggestions for observer coverage in the groundfish closed areas and other suggestions for a hundred percent observer coverage across the fishery.

Others expressed opposite views. A lot of people in the herring industry really felt that observer coverage for this fishery should be just as it is for every other fishery and that there is really no need to single out this fishery. A lot of people said, yes, we need an observer program across all of our fisheries.

Certainly, the stock assessment issues were raised. A lot of people expressed concern about the fact that we have two widely differing stock assessments. That's really no surprise. Everybody felt that the issues should be resolved. Those are really the kind of comments we got on that.

A few comments about the management area boundaries because the TRAC did make some recommendations for changing the area boundaries. Some people supported it and some people didn't, for various reasons.

Some people suggested that the council reconsider the spawning area restrictions in relation to the issues with the management area boundaries. There was some talk about eliminating the Area 1A and 1B management boundary line. That was one of the things in the scoping document.

Most people did not support that, at least most people who commented during the scoping period. There was a lot of concern that removing that line would bring all of the effort in Area 1 inshore.

Some gear issues were raised during scoping; gear conflict issues primarily, I guess. There were some concerns expressed by some interest groups about the impacts of midwater trawling on the herring resource and on other resources in the region.

There was some concern expressed by herring purse seiners about herring midwater trawlers, and those concerns really relate to opportunities for purse seiners to access the resource in Area 1A before the TAC is caught.

Most of the people who expressed concern about this issue, at least during the time of scoping, suggested that we look into possibly a purse seine only area within the Gulf of Maine to provide access for the purse seine fleet.

Again, fixed-gear fisheries for herring was a big issue. Most of the people who commented on fixed-gear fisheries were fixed- gear fishermen, and they were really concerned about access through a limited access program and their future opportunities in the fishery.

They also suggested as one way to ensure their access to the resource, that the fixed-gear fishery in Downeast Maine, the catch from that fishery be counted as part of the 20,000 metric tons that is assumed to come from the New Brunswick weir fishery.

That is being explored by the committee and the PDT. They also brought up the fact that there is no exemption in the FMP for fixed-gear fishermen to VMS requirements, and that's kind of just a no brainer, I think, we just need to clarify in the FMP.

Obviously, fixed-gear fishermen wouldn't need to have a VMS on their skiff or whatever they're rowing out to their nets. Some discussion about quota allocation programs like IFQ's and ITQ's, and generally not a lot of support for that approach at this time.

Some people said, you know, that really might be a good idea, but it's going to take too long to develop. We need to get this amendment in place. We don't want to spend the next three years working on an ITQ program. Others just really didn't support it at all.

Not a lot of support for days-at-sea management in the herring fishery either. Someone did suggest, in terms of the days-out effort controls, that maybe we should explore layover days as another option since the days-out approach that was in the original FMP was rejected.

So right now, the federal FMP has no days-out requirements in it. And then there were sort of just some other general comments, some comments about clarifying the definition of midwater trawl, and a little bit of talk about vessel upgrade restrictions.

There were opinions on both sides of that issue as well, and then, of course, the need for better scientific information was something that I think everybody expressed support for.

CHAIRMAN BORDEN: All right, questions for Lori? Any questions? Anyone in the audience? Mary Beth and then Dave Pierce.

MS. MARY BETH TOOLEY: Mary Beth Tooley. While Lori was going over this portion of her presentation, I just wanted to bring your attention to the letter that I drafted for the East Coast Pelagic Association that's in the written comments you have.

Our organization has eighteen vessels and we've recently actually increased to twenty. We represent approximately about 80 percent of current landings in the fishery. We have recently begun to meet and will continue to meet to draft an alternative for the federal plan, which we'll also be adjusting somewhat for the commission.

Our members are from New Jersey to Maine, so it is our intention to address all of the sectors in the fishery and hopefully we'll be able to come up with a good plan. I just thought you would like to know where we're at in that process.

CHAIRMAN BORDEN: Thank you. Dave Pierce.

DR. PIERCE: Not so much a question regarding what was said, but more of a comment, and that is from what Lori has provided, her overview of what was given to us at the scoping hearings, it seems that one of the dominant and predominant points raised was about herring and its role in the ecosystem and predator/prey relationships.

You know, what do herring eat; what eats herring? We hear that continually. We've heard it in the past. We've heard it in a big way now through the scoping process, and I suspect during all of our deliberations over the next year or so it will be up in front of us again, right in our face, and understandably so.

It's a very important issue. Just a quick question to Matt. Matt, being one of our providers of scientific information, do you think we will be in a position that the section, that the Herring Committee of the council, will we have any information beyond what we have right now regarding this importance of herring in the ecosystem?

DR. CIERI: I'll defer to Lori.

MS. STEELE: Yes, I should introduce Michael Morin. Mike is in the audience, and Mike is a summer intern for the council. He has been hired specifically to do a research project on the role of herring in the ecosystem and the importance of herring as forage.

Mike is doing a comprehensive literature review on everything that is available on the subject. He is also interviewing scientists who have been involved in related research. He is going to put together a white paper and probably present it to the Herring Committee, I'm hoping in September.

It will feed directly into the draft EIS for this amendment, and it will cover everything that we know about the issue, herring as a predator, herring as a prey, and other interactions with other prey species.

So we're hoping that this amendment will significantly increase the knowledge base on this issue, at least in terms of what we've got in the document.

I'll also add, just as another aside, when I go through what the PDT has done to date and the MSY that the PDT is recommending as a conservative sort of placeholder for the time being, the PDT feels that the forage issue has been implicitly addressed in both the assumptions about forage that go into natural mortality and the conservative approach that we're taking to setting MSY.

DR. PIERCE: Thank you, Lori, I had forgotten about Mike's efforts. I am glad he is undertaking that, and, Mike, just make sure you put high priority on the importance of herring to dogfish as a prey. That will come up time and time again, I suspect. The Canadians have done a lot of good work on that, by the way.

CHAIRMAN BORDEN: Other questions of Lori? If not, we're shortly before 12:00. I think what I'm going to do is take a one hour break for lunch.

(Whereupon, the meeting recessed at 11:55 o'clock a.m., July 14, 2003.)

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MONDAY AFTERNOON SESSSION

The Atlantic Herring Section of the Atlantic States Marine Fisheries Commission reconvened in the Casco Bay Hall of the Holiday Inn by the Bay, Portland, Maine, Monday afternoon, July 14, 2003,

and was called to order at 1:15 o'clock p.m. by Chairman David V.D. Borden.

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CHAIRMAN BORDEN: All right, Lori, are you going to talk about goals and objectives; and then as I understand it, you modified the agenda so that there's going to be at least a discussion of area specific TAC's, so if you want to handle both of those.

MS. STEELE: Okay. I mean, the discussion of area TAC's is part of the status update presentation that I can give. Do you want me to go ahead and talk about the goals and objectives? Okay.

The goals and objectives for this amendment that the council will be reviewing and approving tomorrow can be found as part of the June 3rd committee meeting summary. Megan, did you distribute them separately?

MS. GAMBLE: Yes. In your packet there's the proposed goals and objectives for Amendment 1 to the council's plan. There's also the goals and objectives to the council's original FMP, and the goals and objectives to the commission's Amendment 1.

MS. STEELE: Essentially what happened with the goals and objectives is the Herring PDT brought forward to the committee a strawman for discussion purposes, just to sort of kick off the discussion of the goals and objectives.

The committee, at its June 3rd meeting, modified some of them and approved a final list of goals and objectives, which will be forwarded to the council for approval tomorrow.

The key is, for the goals and objectives, that these will essentially supersede the original FMP goals and objectives. They're sort of replacement goals and objectives and they're focused on the action that may be taken in this amendment.

So what we tried to do is we looked at the original FMP goals and objectives, and we carried forward any of them that we felt are still applicable at this point and then others, obviously, morphed into other goals and objectives.

It's a one pager, and I assume you all have it front of you, but there's really sort of one overarching goal, and that is to manage the herring fishery at long-term sustainable levels consistent with the national standard of the Magnuson-Stevens Fishery Conservation and Management Act.

The objectives all relate to that goal, and we tried not to simply restate the national standards when we laid out the objectives. Beyond that, I'll assume you can read them. If you're looking for any discussion on the goals and objectives, I would point to the June 3rd committee meeting summary.

That's where the committee reviewed the PDT strawman, discussed each of them individually, and made the changes that they've proposed within this one pager you have in front of you that was approved on June 3rd.

CHAIRMAN BORDEN: Bill Adler.

MR. ADLER: Let me just get this straight. I've got three goals and objectives here. I've got the February 1999, which I assume are the old ones?

MS. STEELE: Yes.

MR. ADLER: They're on the front. Then I've got Amendment 1 goals and objectives, and then on the backside of that I've got Atlantic Herring Goals and Objectives, '99. Do the ones in '99 go back to the first page?

MS. GAMBLE: Bill, the first page is the commission's goals and objectives. Right at the top it says Atlantic States, so that's the commission.

MR. ADLER: All right, so the one pager on the next thing is the council's?

MS. GAMBLE: The next page is the council's. I do want to point out that the commission's goals and objectives are exactly the same as the council's goals.

CHAIRMAN BORDEN: Dave Pierce.

DR. PIERCE: Yes, Lori, can you point me to where in the meeting summary for June 3 was there discussion about removing the objective to avoid patterns of fishing mortality by age which adversely affect age structure of the stock?

MS. STEELE: That actually wasn't specifically discussed at the June 3rd meeting. That was removed in the PDT strawman, so that specific objective was never forwarded from the PDT to the committee as something to retain.

And, really, in terms of the PDT discussion, the reason that it wasn't specifically retained is because we had a hard time figuring out how we would devise any measures to specifically achieve that objective and then measure progress towards that objective.

When the PDT put the strawman together, we tried to focus on identifying objectives that were measurable and that we could actually design measures in this amendment to achieve, and I guess through the discussion that particular objective fell out.

DR. PIERCE: I would recommend putting it back in. You know, there's history behind this particular objective and it all relates to the intense fishery that used to be on juvenile fish and the fact that when you have an intense fishery on juvenile fish, you dramatically impact your yield that you can have without that juvenile fishery.

Being in there, it also helps us focus on what is going on in Canadian waters, notably in the New Brunswick weir fishery, where they're taking, well, 20,000 metric tons of juvenile fish or something close to that.

Matt said this morning it's primarily juvenile fish. So, if they're harvesting all those juvenile fish, 20,000 metric tons, that has a dramatic impact on what is harvestable here in our waters by U.S. fishermen.

So, that's the history behind that particular objective and I think it's still important to have in there because the objective, when we set it, a number of years ago back in '99, was to prevent the possible reoccurrence of the fishing patterns that existed in earlier years when, as I said, the mortality on those juvenile fish was pretty high.

Now that fishery may never come back again. The juvenile fishery may never rebound. I've been told that and it may be the case, but surprises happen. So having it in there, it at least puts us in a position to reflect back on what happened then and what we don't want to have happen again.

CHAIRMAN BORDEN: David, you're going to have to raise that tomorrow during the council meeting. In other words, what you're advocating, that should be in the commission goals and objectives.

DR. PIERCE: I want it kept in the commission set of objectives.

CHAIRMAN BORDEN: Right.

DR. PIERCE: And I want the council to add it to its possible new set of objectives recommended by the PDT.

CHAIRMAN BORDEN: At the council meeting.

DR. PIERCE: At the council meeting.

CHAIRMAN BORDEN: In other words, you can affect the commission business today, but you're going to have to make that argument at the council meeting.

DR. PIERCE: Right, but, again, I'm still unclear as to what we're doing right now, when we have these objectives before us right now. We're not considering changing or we're not considering, I don't think, adopting these particular objectives as a replacement for ASMFC objectives?

CHAIRMAN BORDEN: No.

DR. PIERCE: Okay.

CHAIRMAN BORDEN: I mean, the intent here is to just to have a general discussion of this; and then once we get into the Item Number 6, we'll actually embark on the road that I think you want to go down. John Nelson, did you have your hand up?

MR. NELSON: Yes, thank you, Mr. Chairman. Just to follow up on what you were saying, I think David could, though, if the rest of the section agreed, send a recommendation to the council from the section saying that since we have maintained this -- if we do maintain this particular objective in our plan, that we would like the council to reconsider and keep that in their plan.

CHAIRMAN BORDEN: Any objection to that? No objection, so when we get into this tomorrow -– in other words, Megan then is instructed to maintain this as one of our objectives. When we get into the discussion at the council meeting, I will report that and basically state that it's our recommendation that be included in the council document. Okay, other comments on the goals and objectives?

MR. SMITH: The discussion we had just before lunch about the issue of forage species, I understood what Lori said because I asked her afterwards to make sure I was clear, and I agree with

the sense of where the PDT is coming from on adequately ensuring that part of herring use gets accounted for.

I just wonder in –- and I like the way the council's Objective 4 deals with that, the proposed one, and I just wonder -- and I'm still doing to same thing that Bill did, looking at the differences in these three documents.

If we're going to use the council's approach, then Objective 4, I think, covers this issue, and it's important to have one in there. If we're going to stay with what we had in 1999, then I think we ought to add an objective because the goal statement addresses the issue, but we don't have an objective for it.

And I think it's important to –- even though the PDT's logic I think is sound, I think the people who are critical of us in this process that are saying we don't have enough in there to focus attention on the forage issue, we can mollify some of that concern by having an objective that says it.

So, again, because I'm a little concerned about how the two sets of revised goals and objectives interact, I would just say at the time the commission needs to make a change to comport with the council or to do something different, we ought to keep that kind of concept in there.

CHAIRMAN BORDEN: Any comments to that? Dave Pierce.

DR. PIERCE: Well, not so much to what Eric has suggested, but I've got a comment on the same objective.

CHAIRMAN BORDEN: Go ahead.

DR. PIERCE: The Objective Number 4 is long because the definition of optimum yield is included in the definition. My question is the definition of optimum yield already exists as described in the objective. Is there a recommendation from the PDT to change the definition of optimum yield?

Because, if this is the same definition that we've always worked with, then I would suggest just taking it out of the objective and having less text because it confuses the issue. The objective is to provide for long-term efficient and full utilization of the optimum yield from the herring fishery while minimizing waste from discards in the fishery.

CHAIRMAN BORDEN: Lori.

MS. STEELE: Yes, just to confuse you more, there's another set of goals and objectives. If you look at the June 3rd committee meeting summary, which I believe, Megan, that was distributed, right, in the June 3rd committee meeting summary, you will see the PDT strawman that was brought forward to the committee for consideration and this objective, as part of the PDT strawman, read:

"Provide for long-term, efficient and full utilization of optimum yield from the herring fishery, including recognition of the importance of Atlantic herring as one of many forage species for fish, marine mammals, and birds in the Northeast region".

That was Objective Number 4 as brought forward by the PDT, and through the committee discussion and some concerns expressed by some of the committee and advisory panel members, it turned into this much, much longer objective that includes the definition of optimum yield.

There was no intent from the PDT to change anything about the definition of optimum yield; and in what we brought forward, we hadn't spelled it out.

It was spelled out, I guess, in the original goals and objectives in the original FMP, and some people felt that it would be stronger if that language were carried back over into this objective.

So, again, that's something that the council could decide to change tomorrow. It could be changed back to what the PDT had proposed or something else.

CHAIRMAN BORDEN: Vito and then Eric Smith.

MR. CALOMO: Thank you, Mr. Chairman. I guess we're all concerned about 4, and the problem, Mr. Chairman, is that we seem to be –- maybe it's because we're on the Herring Section or Herring Committee -- is that it seems to be the only fish in the ocean that seems to be very important to the forage fish is the herring.

I mean, I don't know, to help the public out on something, there should be a little sidebar here saying how many, you know like sand eels and mackerel and whiting, and we could go on a list forever.

Everybody is saying how important the herring are and that is what end you're on, you know, but it isn't just the herring. When the herring weren't here, all

the rest of the fish were here too and they were surviving quite well.

But I know they're part of the forage fish, but I think, again, the public is not aware that there are mackerel and whiting and sand eels, and we could go on, and shrimp, and we could go on for about another fifteen or twenty minutes on that, and I think that needs to be maybe on a sidebar somewhere that there are more than just herring in the ocean because everybody is making a problem with that.

The second one, Mr. Chairman -- and I'm not quite sure where this belongs -- but just talking directly to the Herring Section, because there is a concern over 1A, and I've been hearing 1A, 1A, 1A, 1A, 1A; and if there is a problem there, maybe we should have a time to evaluate a –- I don't know if it's an objective, but to go back to a time certain closure for spawning in 1A.

I just want you to consider that, if that's a possibility, because we brought in this tolerance and we're taking them out of 1A with this tolerance.

I don't mind catching fish in Georges or Area 2 or 3 with the spawning, but maybe our concern should not be the TAC so much because no one is saying that you really need to reduce that TAC in 1A to my knowledge, yet.

I would have a concern about maybe we need to have more fish spawn in 1A and have a stoppage of fishing altogether in 1A at a time certain that we can live with, because I think I'm correct in saying that when they're born in a certain area, a lot of times for the most part they seem to return into that area. Thank you, Mr. Chairman.

CHAIRMAN BORDEN: Eric.

MR. SMITH: Thank you. Vito makes a good point that there are a lot of other things in the ocean that other things eat and it's not just herring. But, I would point out that herring is the only one of the forage species that we as a commission and a council have a fishery management plan for, and this species, all of the fish, almost all of the fish, are twelve inches and less, and it means the fish-eating fish, the sea birds, and the mammals all eat them. It elevates them in importance as a prey species.

To David Pierce's point, I guess we come at Objective Number 4 from a couple of different perspectives. The things that he thought for word brevity we could take out are the very things that I think we need to leave in in order to make sure that the people who scrutinize us carefully, and they will on this point, see that we are taking full measure of that issue.

It doesn't mean we even have to change much else if the PDT's logic is sound, but it means having an objective there. It points out to people before they ask that we have taken this issue into full consideration. It gets us a lot of mileage. Thank you.

MR. FLAGG: Just a quick response to one of Vito's questions about forage, and we did have quite a discussion at the committee about the fact that Atlantic herring is not the only forage species in the Northwest Atlantic.

And if you'll note under Objective 4, the last sentence, we included a statement that this includes recognition of the importance of Atlantic herring as one of many forage species for fish, marine mammals, and birds in the Northeast region, to capture that very thought that you were concerned about.

MR. CALOMO: I did read that, but knowing the people that we are dealing with now on another level, people that really don't understand a lot about the herring fishery, they'll read that, but they'll continue on.

You know, a lot of our documents sometimes are not clear to the public; and if you're looking for public input on an amendment I think or a fisheries management plan or whatever the case may be, I think there needs to be a clarification, and I think this is a very, very important clarification that they may be twelve inches long, but so are mackerel, so are whiting.

You know, they grow bigger, but the North Atlantic -- you know, you get a twelve-inch long mackerel, there are not that many, and whitings, specifically; and sand eels don't grow more than four or five inches, and when they come, they're in blooms of abundance in the millions of metric tons, as we all know.

I think people need to know that whales eat more sand eels, if they're available, than any other thing, and I think that needs to be noted for the public document.

CHAIRMAN BORDEN: Lori.

MS. STEELE: The paper that Mike is working on will address that very issue. Mike is going to be identifying all of the other forage species in the region and providing information about what we know about what eats what, including things like sand eels and whiting and mackerel.

I believe actually they've identified 23 forage species in the region. So, his paper will cover that and it will be available in time for the public to access it and comment on it as part of the draft EIS.

CHAIRMAN BORDEN: John.

MR. NELSON: Thank you, Mr. Chairman. I guess this is more of a process question. What I see under your Number 5 Agenda Item, it went through the goals and objectives of what the council is proposing to do.

And then Item 6, is that where you would want to have us have our discussion on whether or not we would be interested in modifying our goals and objectives to reflect what their proposed goals and objectives would be?

CHAIRMAN BORDEN: Right.

MR. NELSON: It would be at that point?

CHAIRMAN BORDEN: Yes, and the discussion, when we get into it
-- and I think this will help. I mean, we will be crafting a PID at that point, the items to go into a PID.

I mean, the council has spent -- and a lot of the same players participate in both arenas -- the council has spent a lot of time on that.

My assumption here is what the council has done is appropriate, but the question to I think everybody in the room will be are there other items that we should add into that, and then basically charge the staff to include those in the preparation of a document, so we don't have to go back and revisit all the council issues and documents.

It's more a question of what other items should we add to it or is there a particular item there we ought to delete, either one. Any other just general questions on goals and objectives because we're going to come back to this? David.

DR. PIERCE: I'm not sure what you mean by general, but let me make a couple of quick points, and that will be it. Objective Number 1 is modified from the way it was originally, and I would suggest that it doesn't make much sense to add in "and prevent overfishing" in Number 1 because that's the addition to the objective as it exists right now.

I don't understand what that means because it seems like it's just restating the obvious, and it's a bit duplicative because Number 1 already says it.

And I, once again, wonder why the current council Objective Number 4, to provide adequate protection for spawning herring and prevent damage to herring egg beds; that has been deleted by the PDT? Is the logic the same, Lori, it's been deleted –

MS. STEELE: Well, I think that was deleted because there are no spawning restrictions in the FMP. I mean, that objective was part of the original FMP when we submitted it with spawning restrictions, which then there aren't any.

There are no measures in the FMP that directly address that objective. The objective to prevent the overfishing of discreet spawning components was carried over. So, I don't know.

CHAIRMAN BORDEN: Matt.

DR. CIERI: Actually, one of the reasons why it was removed was because the Habitat Technical Team for the council suggested that basically essential fish habitat for herring was not necessary.

DR. PIERCE: Say that again, the Habitat Technical Team –-

DR. CIERI: The Habitat Technical Team determined that the influence of other fisheries on the Atlantic herring fishery essential fish habitat was very minimal.

DR. PIERCE: Okay, interesting conclusion.

CHAIRMAN BORDEN: All right, anything else on this section? As I said, we'll come back to it when we get into crafting the PID, which is Item 6. Now, Lori, is that it or have you got anything further to comment on?

MS. STEELE: That's it for the goals and objectives.

CHAIRMAN BORDEN: Okay, so now we're onto Item 6, which is an –-

MS. STEELE: I have more.

CHAIRMAN BORDEN: That's what I asked.

MS. STEELE: I do have a quick presentation on the status of the development of the alternatives. Megan is distributing a PDT report from June 26th and 27th that provides all the detail on the presentation I'm about to give.

I'm going to give this presentation again at the council meeting tomorrow. The intent of this presentation is just to give a very general overview on the status of the development of alternatives for Amendment 1.

There is not a ton of detail in this presentation, but it's really intended just to update the council on where we are with things and what the PDT has done with the SSC advice and the SSC recommendations in terms of developing the alternatives for this amendment.

So, as I go through this, please reference the June 26th and 27th PDT report and I can answer questions on that as well. In terms of Amendment 1, the major elements of the amendment are going to -– and this is not an exhaustive list, but this covers the major issues.

The amendment will likely contain updated reference points, an updated estimate of MSY, BMSY, and FMSY based at least in part on what came out of the TRAC assessment. Of course, as you already know, there's some issues associated with that, and I'll get into those in a few minutes.

Amendment 1 may also include changes to the specification process and the calculation of area-specific TAC's. As Matt already mentioned, the SSC recommends a risk assessment approach to calculating area-specific TAC's to ensure that we don't overfish a stock component when we set the TAC's.

So, the PDT has gone through that process and has developed some alternatives based on that. The specification process itself may change. There are options on the table to make the specification process a two-year process or a three-year process instead of an annual process.

Again, some of the changes may relate to adopting this risk assessment approach as opposed to what is currently in the FMP for calculating the area-specific TAC's.

There may be changes to the management area boundaries. An option has been developed based on the recommendations from the TRAC for changing the management area boundaries, so that is being considered.

Obviously, limited assess -- I mean, this amendment I believe started three or four years ago as being an amendment for limited access in the herring fishery.

It's obviously snowballed into a lot more than just that, but the limited access program is still a fundamental element of this amendment. Right now there are options on the table that cover the whole range of possibilities, from keeping it all open access to making it limited access in every management area and anything in between.

Other effort controls may or may not be a part of this amendment. It depends on what is developed for limited access and whether the council feels that there is a need to impose additional effort controls in any of the management areas, and these could be things like days out or spawning restrictions.

They could be things like trip limits or vessel upgrade restrictions. Right now everything is on the table. If you want to get a good sense of what is being considered for Amendment 1, I would refer you to the May 29th and the June 26th and 27th PDT reports.

The May 29th PDT report sort of outlines options, all kinds of options that are being considered to address these issues. The June 26th and 27th Herring PDT report focuses on the application of the SSC advice in terms of setting MSY and calculating area- specific TAC's. The two of them together sort of give you a picture of everything that has been discussed to date for this amendment.

In terms of MSY, I mean, that's sort of the starting point because from MSY falls your OY and your area-specific TAC's. The Herring PDT -- and this is laid out in the June 26th and 27th PDT report -- the Herring PDT has developed an approach to set a proxy for MSY.

Unfortunately, we feel that we need a proxy because there is no scientifically accepted estimate of MSY available at this time. There was no agreement reached at the TRAC or by the SSC in terms of what an appropriate level for MSY should be right now.

So, without that, without a scientifically accepted estimate of MSY, the PDT felt that a proxy needed to be developed until another stock assessment is conducted, and we hopefully end up with one universally accepted value of MSY.

What the PDT did to estimate a proxy for MSY, is we went back to a time period where both assessments agree. It was recognized that the assessments essentially diverge from about 1985 onward in terms of herring biomass.

So, the PDT looked back at a time period where both the U.S. and Canadian assessments agree and the stock was still at a high biomass level, so we looked at 1960 to 1970. This is a time period where both assessments agree and the stock had not yet
-– or the Georges Bank part of the stock had not yet collapsed from heavy foreign fishing in the 1970's.

So, we took the biomass estimate from 1960 to 1970 and applied the lower bound of FMSY to that biomass estimate. The SSC did agree that the FMSY estimates ranging from 0.2 to 0.25 seemed reasonable, and those also came out of both assessments.

So to be conservative, we applied the lower bound of that FMSY estimate to the average biomass from 1960 to 1970. The average biomass from 1960 to 1970 was about one million tons, so we applied 0.2 to one million tons and came out with an MSY proxy of 200,000 metric tons.

This would be a temporary, and we feel, a precautionary placeholder that would remain in place until the next stock assessment is conducted and until we hopefully come out with one scientifically agreed upon estimate of MSY. Another note here is that it does still allow for the expansion of the fishery. The SSC had advised that a conservative starting point for MSY may be the average catch from the last fifteen years, and that's sort of where the PDT started.

We all agreed that is really not a very useful estimate of MSY because we already know that's sustainable, and we felt that the stock was more productive than that and that should be considered a lower bound on the long-term yield for the stock.

So, we instead developed this proxy approach that gives you a proxy of 200,000 metric tons that, again, would be a temporary conservative placeholder until the next stock assessment.

Once you set MSY, you start looking at OY and your area-specific TAC's. The way that we did this is we did a risk assessment based on the SSC recommendations, and this is described in detail in the June 26th and 27th PDT report.

The SSC suggested that we evaluate a range of area-specific TAC alternatives, along with a range of different mixing ratios, to essentially provide some perspective on the relative risk associated with overfishing the inshore component of the resource.

The inshore component of the resource is the limiting factor. That is the less productive of the two stock components. So, what the PDT did was we took the latest average biomass estimate of the inshore component of the resource from the acoustic surveys, which is 300,000 metric tons, and we again applied the lower bound of FMSY to that number; and if you apply 0.2 to 300,000 metric tons, you end up with 60,000 metric tons.

So for the inshore component, in order to be most conservative or most risk adverse in terms of overfishing the inshore component, you would want to target a yield of 60,000 metric tons. That's 300,000 times 0.2.

With that in mind, we felt that expansion of the fishery is certainly possible on the offshore component of the resource, which is the more productive component, and that's really -– when you're talking about the offshore component of the resource, you're talking mostly about Area 3.

That is the area at least where there's no mixing that's known to occur, and any catch that comes from Area 3 is assumed to come from the offshore component of the resource.

The PDT provided a range of alternatives for area-specific TAC's. They give you some perspective on risk. When I say risk, I mean relative risk associated with overexploiting the inshore component of the resource.

Again, we're looking at conservatively targeting 60,000 metric tons and an exploitation or a fishing mortality of 0.2. That would be sort of the most risk averse.

And as you'll see, when I present the results and the area- specific alternatives, what we're really talking about here with the inshore component is how to allocate the catch of the inshore component.

If you're targeting 60,000, what you're going to find is that in terms of how you want to allocate that catch, there are going to have to be some decisions made about tradeoffs between Areas 1A and 2, because that's really the two areas where the majority of the inshore component of the resource is caught.

So, if you want to catch more in Area 1A, that means that you're going to have to catch less in Area 2 and vice versa. Those are the kinds of tradeoffs that become clear.

The risk assessment approach for calculating the area TAC's is going to be considered in this amendment versus the no action alternative, which would be the calculation of the TAC's as specified in the Herring FMP right now.

So, if this risk assessment approach is adopted, it would replace the method for calculating the TAC's that is specified in the Herring FMP. Again, it provides perspective on how to minimize the risk of overfishing the inshore component.

It utilizes a range of mixing scenarios which may or may not be advantageous. But as you know, the FMP specifies one particular mixing scenario to be applied in the calculation of the area TAC's.

The approach that the PDT has developed here with the risk assessment utilizes several different assumptions about mixing ratios and provides you with a range of results, so you're not putting all your eggs in one basket in terms of what the mixing ratio may be.

Again, it's based on the current hydroacoustic estimate of 300,000 metric tons for the inshore component. The risk assessment does assume 20,000 metric tons of the inshore component is caught in the New Brunswick weir fishery.

The ten-year average from the New Brunswick weir fishery has been 19,500 metric tons; so for the time being, that 20,000 metric ton assumption seems to be consistent with what is caught in the fishery.

The other important point is that this is a relative assessment and it provides a basis for comparing TAC alternatives so that you can get some perspective on what alternatives might be riskier than others. The results of this are not absolute numbers.

When you look at the PDT report and you see the results, don't think that Alternative 1 is going to yield 62,324 metric tons from the inshore component.

Really, it's just to provide some comparison between the alternatives, and that's why, under the mixing scenarios, you end up with a range for each alternative of potential yield from the inshore component.

The results are in the PDT report. I don't actually have a slide that shows you the results, but these are the alternatives. There's two tables in the PDT report that show the risk assessment of these alternatives.

One of them shows it in terms of potential yield from the stock, keeping in mind that 60,000 metric ton number; and the other table shows in terms of relative exploitation rates, keeping in mind that 0.2 would be considered your most risk averse, and also keeping in mind that FMSY is from 0.2 to 0.25.

So these are the alternatives that we've developed based on the risk assessment, and you can start to see the tradeoffs. Alternatives 3 and 4 reduce the 1A catch to 45,000 tons and allow for more catch to come from Area 2.

Alternative 2 keeps them all where they are now, minus the current reserve in Area 2. And if you look at the risk assessment in the PDT report, you can start seeing the differences between these four alternatives.

But these would essentially give you an OY ranging from 150,000 to 180,000 tons, depending on which alternative is selected. Adding in the catch from the New Brunswick weir fishery gives you a total catch between 170,000 and 200,000, keeping in mind that the MSY proxy that's being recommended is 200,000 here.

So, what the PDT is recommending is that U.S. OY plus the catch from the New Brunswick weir fishery not total more than the MSY proxy. And, again, these are just the four alternatives based on the risk assessment.

We still have to work out the numbers for the no action alternative if we were to apply the current method for calculating the TAC's that is in the FMP.

The other important element of this amendment is the limited access alternatives, and right now there are four alternatives for limited access that are being considered.

The first alternative is no action, which is to keep the entire fishery open access. The second alternative is

to implement limited access in Area 1 and either controlled or open access in Areas 2 and 3 and the third alternative is to implement limited access in each management area by area, meaning that under this alternative you could have three different limited access programs.

The fourth is one limited access program across all management areas, meaning that vessels would qualify for one limited access permit and be allowed to fish in all management areas.

There are several options for qualification criteria and effort controls underneath each of these alternatives, and there's a lot more work to be done on these alternatives by the Herring Committee and the PDT.

The committee has a two-day meeting at the end of this month, July 31st and August 1st, where we're hopeful that they will be providing some direction to the PDT on how to sort of flesh out the details of these alternatives.

Other measures under consideration, as I mentioned earlier, there may be some adjustments to the management area boundaries. That you can also find discussion of in the June 26th and 27th PDT report.

There has been some talk about some TAC set asides for research purposes. There has also been some talk about adjusting the current 5 percent set aside for incidental catch. Measures to address fixed-gear fisheries, I mentioned earlier today. Also as I mentioned earlier today, there are some options for a purse seine only area.

Measures to improve the collection of bycatch information. There has been a lot of talk about observer coverage requirements, although nothing specific has been proposed yet. Vessel upgrade restrictions and other effort or capacity controls, maybe.

And clarification of the definition of midwater trawl -- that's really something that has been brought up to improve the enforcement and also to clarify some perceptions about how the gear is intended to be fished.

So, that's all stuff that the PDT and the committee are working on at this point, and all of this will sort of form the range of alternatives that the council will approve at the September council meeting.

Also included in Amendment 1 will be some research recommendations. We'll be developing a list of research recommendations based on the TRAC assessment and the recommendations from the TRAC assessment, as well as the SSC recommendations, as well as forage research and any recommendations that the PDT develops. So, there will be a short-term/long-term list included in Amendment 1. I've already been over the timeline, so I won't go over it again. That's it.

CHAIRMAN BORDEN: All right, a limited number of questions because this is not the council meeting. David.

DR. PIERCE: Not so much a question, but a comment and a suggestion, actually, to Lori and the PDT. This is the first time I've gone over this document, and, Lori, you've certainly done a great job summarizing all the specifics.

It would be very helpful to me, and I'm sure very helpful to all council members if it can be clearly described the degree of precaution that has been factored into all of this advice.

It seems to me that there are layers and layers of caution; and eventually, I suspect, if it has not already happened, the PDT is going to recommend some sort of a risk-averse approach to make it, as stated here in the document, risk attractive. I don't like that description, but, anyway, it's in there.

I see, for example that there -– well, we're using 300,000, which is the average biomass 1999 through 2002. So it's the average biomass, which means we're probably dragging down the biomass level to a lower level, because we're using an average over that period of time and stock size has been steadily increasing.

So, we may be, I'm not sure, but we may be using a number that's on the low side, so that is one layer of precaution. Mixing ratio, I'm assuming that there's a mixing ratio in there that's being favored because it's the most cautious.

So let's define that as another layer of precaution; and then the F target, 0.2 instead of 0.25, so another layer of caution; and then the Canadian catch, the 20,000 metric tons being the assumed level of landings, so another level of caution.

I'm not against risk-averse management. However, as a manager, I need to know to what extent has the risk-averse approach been structured into the recommendations through the layering of many types of precaution.

Eventually we lose sight of where we are, and there may be too much precaution in some of the recommendations, and that could lead to our losing economic opportunities because we're inordinately cautious and over the top in terms of how cautious we are.

So let's identify those layers and that will help us all get a better understanding as to what in the world is being recommended here.

CHAIRMAN BORDEN: Anyone else? Lori, do you want to respond?

MS. STEELE: Yes. Just to follow up, I agree, and I think that the PDT needs to talk about that some more and lay it out. What I will tell you right now -- I mean, if you look at pages 10 and 11 of the draft PDT report, the June 26th and 27th PDT report, these are the results of the risk assessment.

I guess the first level of caution here is that we've applied the lower bound of FMSY to get the MSY proxy. We applied 0.2 and you end up with a MSY proxy of 200,000. Based on that, we used the same logic for the target yield for the inshore component, which is the 300,000 times 0.2, so I guess that would be your second layer.

I think what the risk assessment, all that it's telling you right now is to be most risk averse, you would be looking at 0.2 in the table on page 10 and 60,000 in the table on page 11, keeping in mind that 0.25 is the upper bound of FMSY; and if 60,000 is what you get at 0.2, you get 75,000 at 0.25.

So, that kind of frames it and gives you some perspective, and I think all the PDT is telling you is if you pick an alternative that gets you closer to 0.2 and closer to 60,000, you're being most risk averse.

CHAIRMAN BORDEN: John Nelson.

MR. NELSON: Thank you, Mr. Chairman. Lori, I was looking at those alternatives that you had on page 9 -- and, again, I recognize the chair has said that this is a council discussion, and I don't want to get into that.

But when the SSC characterized that the current concentration of harvest in the inshore Gulf of Maine is of concern and may be excessive, and, therefore, several of these alternatives seem to address that concern, and Alternatives 1 and 2 remain basically status quo for that inshore area.

I don't want the discussion right now, but I think it's important, I think, to have the PDT think about, when they're saying most risk averse is 0.2, and you come out with 60,000, and the SSC is saying that may not the right amount to be risk averse, so I just want to point out that difference. It seems to be out there.

MS. STEELE: Right. Also keep in mind that the 60,000 includes 20,000 from the New Brunswick weir fishery and whatever is being caught in Area 2.

So, the 60,000 isn't just 60,000 out of Area 1A. It's 60,000 out of the inshore component, 20,000 of which is caught in the New Brunswick weir fishery, another proportion of which is caught in Area 1A and another proportion in Area 2.

MR. NELSON: All right, thank you because that wasn't clear to me, and that obviously is a big difference.

CHAIRMAN BORDEN: Any other general comments? Eric.

MR. SMITH: Lori, in answering that question, did you mean subtract the New Brunswick weir 20,000 tons from the 60,000 and then subtract some portion of Area 2?

MS. STEELE: Well, I mean, in terms of the risk assessment that was done, we already incorporated in 20,000. The numbers that you're seeing here on pages 10 and 11 from the risk assessment already assume 20,000 from the inshore component is being caught in the New Brunswick weir fishery.

MR. SMITH: Okay, so not a subtraction?

MS. STEELE: Right.

CHAIRMAN BORDEN: Vito.

MR. CALOMO: Well, Mr. Chairman, to go along with my little speal on forage fish, I'm going to go another speal here that I think David Pierce hit on just recently.

Lori, I would like you to carry this statement back to the council, and I think it's very appropriate because it was only a short period of time that we developed the FMP for herring, which is one of the best FMP's ever developed by the New England Fisheries Management Council because of the TAC's there are

and because of the risk assessment that we took at that time.

I think people have a short memory here because everybody seems to want to cut up the pie into sections not really for the fish, but for themselves, not really to aid the stock, but for themselves.

So, Mr. Chairman, my statement to you is that -– and you will recall this because it was done in the great state of Rhode Island, that when we sat down for this fisheries management plan that, low and behold, our esteemed director, Dr. Rosenberg, which we'll hear from tomorrow, said there's no way in this creation that we could not take at least 500,000, and I think it was 550,000, but I'm going to use 500,000 metric tons for the next five years and not dent the stock.

But, risk averse at that time, and that was just a short period of time -- we did not have the fishing power that we have today and we did not have the shoreside facilities that we have today and we did not have the bait market that we have today.

But we took, I think, 350,000 metric tons. I think the history is being clouded here, Mr. Chairman. Also, Mr. Chairman, if you recall, because you were there, Mr. Chairman, that we said because of the fish as a forage fish, that we could allow X number of tons to be forage fish, and we chose XXX number of tons, and we did way more than anybody ever believed we would do.

So we took the smaller portion way back then. We've never exceeded the TAC, to my knowledge. We haven't even taken half of the TAC, to my knowledge.

Yet, one year goes by, Mr. Chairman, where Canada, for the last eight years that I have known them, to be always saying there is not that much fish, and yet our leading scientist, Dr. Bill Overholtz, has never come off the dime, Mr. Chairman, in saying there's more fish than that, and actually by taking even 350,000 metric tons we would increase the biomass by 39 percent.

Even at the last SSC meeting that I attended in Boston just recently, Mr. Chairman, I did not see Bill Overholtz waiver at all.

Bill Overholtz may be put under pressure from his people that are his bosses today, but I have never seen him say there was less fish in the ocean. I have never seen him say that we should reduce the TAC.

He has said at every meeting that I ever been in the Americas, U.S.A., and Canada, Mr. Chairman, that we're not taking enough fish. There's more fish to take, and he has even stated, Mr. Chairman, that it might not be healthy because we're not taking enough fish.

So all of a sudden we're ready to dive down full speed ahead because we're scared of what may happen that hasn't happened in the last five to eight years, with very, very questionable science on both sides.

And when the leading scientist, Mr. Chairman, says that I think and more than likely I'm pretty sure I missed the fish on this one and still come up with 1.8 million metric tons, which is the highest biomass that he has seen since the foreign nationals have left, and it's way more than we Americans would ever dream of taking.

So, Mr. Chairman, I am very nervous about where we're going. I suggest on Area 1A, again, Mr. Chairman, that for some reason I think that we're missing the boat.

Like Dr. Pierce has said and I have said -- and I'm not putting words in Dr. Pierce's mouth because he can say more than I can say, even though I'm kind of winded at this time -- that we should have maybe time for consideration when we're doing something I think is a little wrong.

I believe that we should have spawning closures that we had way back in the '60's when I fished, and Dr. Pierce used my vessel as a research vessel at times to do some tagging on spawning fish.

I'm concerned about that part of it. I'm also concerned, Mr. Chairman, that we put ourselves in a corner in 1A because there are times the abundance of the biomass itself ends up in Area 1.

I've been winded enough, Mr. Chairman, but I've been bothered very much throughout this meeting about the reductions that we need to take without really saying why we really need to take them.

You have a disparity amongst two countries, and we have questions amongst the PDT and the SSC and us people that have been in the herring business for a long time. Thank you, Mr. Chairman.

CHAIRMAN BORDEN: Bill Adler.

MR. ADLER: Thank you, Mr. Chairman. I won't be as long as that, but I have not heard today any documentation that supports changing the TAC's that we have now at all, including the forage discussion.

There was even a slide that showed with what was taken for fishing, the stuff that was left out there was much higher -– I think a third or something was what fishing was taking and the rest was all there.

I haven't heard anything here that would support any type of a change in the TAC's for the various areas or going down to this 200,000 from what it is now. I haven't seen anything and I know that it's a council issue, but, I mean, if it ever gets swung around to the Atlantic States, I'll tell you right now, we don't want two plans, do we?

CHAIRMAN BORDEN: No.

MR. ADLER: Okay, I won't support any change to that TAC at this point. I haven't seen it.

CHAIRMAN BORDEN: Well, I appreciate Bill's candor there because I've mentioned this to Lori and to Megan that it's very important for the commission to walk in lock step with the council on this plan.

The demise of the first herring plan you're going to lay at the feet of the commission going one way on the issue and the council going another way. In the final analysis, the council withdrew the original herring FMP and that was because we were going in different directions.

It's very important for individuals around this table to speak up both in the council setting and the commission setting to make sure that the two organizations are indeed moving in the same direction. Yes, Vito.

MR. CALOMO: Well, Mr. Chairman, this is a section meeting.

CHAIRMAN BORDEN: Yes.

MR. CALOMO: And I'm going to go along with Bill Adler, and I think I did. I was a little more winded, but I covered a lot more history than Bill Adler. If this was lobster, he would have continued on for the next twenty minutes.

But, Mr. Chairman, are we not sending a message back to the council with this section meeting the day before the council to have a report back to the council saying this is the way we feel? Is this not true?

CHAIRMAN BORDEN: Well, I mean -–

MR. CALOMO: I mean, we could speak individually at the council meeting, Mr. Chairman.

CHAIRMAN BORDEN: When I spoke up, Vito, I did so because of Bill's comment. You know, Bill is basically staking out that territory there. I mean, if there are other people that agree with that position, then that's fine. Then we'll make those type of statements at the council meeting.

MR. CALOMO: Did I not make myself clear enough with that --

CHAIRMAN BORDEN: Yes.

MR. CALOMO: I mean, I agree the same as Bill. Let me put it short. I'm agreeing that we don't need to change anything at this point in time, and we'll have a lot more research done as we have been doing. We're getting better and better into the management. Thank you.

CHAIRMAN BORDEN: Lori.

MS. STEELE: Keep in mind that there's really no scientific information available to support the current numbers that are in the plan. I mean, MSY that's currently in the plan is 317,000. Everybody seems to have a lot of respect for Bill Overholtz and, you know, believe a lot of what Bill says. Well, Bill's assessment came out at 222,000.

You know, the U.S. assessment came out with an MSY estimate of 222,000 and the Canadian assessment is coming out with something that is presumably way lower than that. They didn't provide reference points, but if you figured them out from the assessment, they're probably in the order of 60,000 to 80,000 for MSY.

So, you know, we're not dealing -– anyway you look at it, unless you don't believe any of the science, we're not dealing with numbers that are anywhere near 317,000. If you believe the U.S. assessment, then you're at somewhere around 222,000.

Now the PDT did not just take the midpoint in between those two. I mean, we tried to provide a scientific approach to going with a proxy that actually puts you a lot closer to what the U.S.

assessment is saying than what the Canadian assessment is saying.

CHAIRMAN BORDEN: Eric Smith.

MR. SMITH: I'm glad Lori said that, because then I didn't have to try and say it because she said it well. Of the three sources of advice, the U.S. assessment, the Canadian assessment, the SSC review -- I guess the four -- with the TRAC assessment, they're all saying that the 317,000 is unjustified, and then the question is, is it 220,000 or is it lower.

So I think the new plan –- I agree with the chairman. We need to be on the same wavelength, and it needs to move forward from this point with an understanding that the MSY is going to be lower, and how much lower we need to kind of figure that out a little bit.

But I share David Pierce's concern, too, and I'm glad Lori answered his concern the way she did. The PDT, I think, needs to look back at what they've done to date and make sure –- I mean, when I see risk-averse criterion or assumption and then another risk-averse criterion and then another conservative assumption -- when I used to criticize EPA for seafood health risk assessments, I used to call it piling on.

Of course, I didn't work with EPA, so I could be a little more brutally frank. I'm not criticizing our system of doing that. I am saying that sometimes, to be precautionary, we lose sight of the fact that we may have a safety factor and another safety factor and another safety factor leading to an unrealistically conservative outcome.

If it has to be a conservative outcome, or whatever the number comes out when you've been realistic with your assessments, I think that's fine, and that's what we should be doing.

But I'm concerned and I just want to make sure the PDT goes back and gives themselves a gut check on this and says, okay, are we really justified to use that particular low endpoint of F and the next one and the next one?

If they come back and say we've looked it all over, we think it's justified, and here is why, then the two groups, the council and the commission can look at that knowing that they've checked themselves on it, because I don't want to end up with too low a number either.

That doesn't satisfy fishery management goals, which are to provide useful opportunities to the public as well as protecting fish stock. Thank you.

CHAIRMAN BORDEN: Let me just expand on one point here. One of the key issues for the council is to make sure -– and I've talked to Lori about this -– to make sure that there's a wide enough list of alternatives in the council document, because they're going to be ahead of the commission, regardless of what we do here today.

But, I mean, as council members we have to absolutely make sure there is a wide enough group of alternatives to encompass all of the realistic possibilities.

Otherwise, I think we almost guarantee some kind of disconnect between the two processes because the commission will catch up because our process is much simpler. But at the point where we catch up, we want to make sure that range of options includes any options that we might want to consider. John Nelson.

MR. NELSON: Well said, Mr. Chairman.

CHAIRMAN BORDEN: Ritchie, did you have your hand up and then Lew Flagg and then Vito.

MR. WHITE: Thank you. I would just continue to express concern over the Gulf of Maine component and the amount that we're harvesting in 1A.

I remember when we were discussing the IWP for New Hampshire, that there was concern at that point stated about the complaints from tuna fishermen and the lack of herring during tuna season, and that was one reason not to go forward with that IWP. If we're looking for messages to go forward to the council, that would be one that I would send.

CHAIRMAN BORDEN: Vito and then Lew.

MR. CALOMO: Thank you, Mr. Chairman. I'll be as short as possible. Mr. Chairman, most of the time we base our information -- I'll say all of the time -- listening to others around the table, the best available science.

The best available science, it drives us a lot of time, the best available science. At the time we made it,

500,000 metric tons we could have taken, and that was the best available science five years ago.

The best available science, Mr. Chairman, U.S.A., America, Bill Overholtz, the leading scientist, for us says I think I missed it, but on a conservative figure 1.8 million metric tons in the biomass; not the spawning biomass, not the MSY, just the biomass.

The best available scientists, Canadians, two countries and the best available –- 800,000 metric tons. The best available science is so far apart, Mr. Chairman, and that point needs to be made.

That's the best available science and they're not even in the same ballpark. One is in the minor league and one is in the major league. I don't care which one you pick, but that's –- they're both playing ball, but they're not in the same league, Mr. Chairman. That's the best available science.

Yet, our American scientists, going back to Dr. Rosenberg, 500,000 metric tons or 350,000 metric tons. Dr. Overholtz has never, never, never, never, even at the SSC meetings say that we should take less. He says no – today, maybe, because Big Brother is watching him and putting some pressure on him.

But I was at the Boston meeting and I listened carefully. I've been at the Canadian meetings with you again, Mr. Chairman. And I'm really going on here and it's mentally bothering me because we haven't taken it.

We've sent a signal out many times from the council, before I was on the council, and when I was on the council, Mr. Chairman, going back to the council, we must develop shoreside facilities. Well, we busted our American tails in the Commonwealth of Massachusetts and we've got American facilities shoreside being developed.

What signal are we trying to send? To start sending it offshore again? To start sending it to foreigners again? Not me, Mr. Chairman. I think we're doing something really wrong for the economics and for the stocks.

One last point, Mr. Chairman, is that Bill Overholtz has always said there may be too many herring in the ocean at the same time. That's why they weren't putting on weight. Thank you, Mr. Chairman.

CHAIRMAN BORDEN: I have Lew Flagg, Bill Adler, and Dennis.

MR. FLAGG: Thank you, Mr. Chairman. I do agree with some of the statements that Bill Adler has made earlier in terms of being concerned about us taking action when there doesn't appear to be a real need for it.

But by the same token, we have new data and we certainly have got to be prudent and act on that new stock assessment information that's available.
I do, however, think we need to be very cautious about where we're going. The reason I say that is we obviously want to be somewhat precautionary, but if you look at all of the signs relative to the herring stocks, all of the indicators suggest that the stock is increasing, and I think we have to be aware of that.

I'm very concerned about us taking an overly precautionary approach in the face of an increasing resource when a couple of years down the road we may have some recruitment failure and what are we going to do then?

We're going to really put ourselves into a real bind here, and so I'm very concerned. I think we do need to be very concerned about the status of the stock. But by the same token, with the signs that we've seen relative to the stock in terms of its trends, I don't think we should get too precautionary in what we're doing because I think it's going to really come back to bite us down the road. Thanks.

CHAIRMAN BORDEN: Bill Adler.

MR. ADLER: It's pretty much a summary of what Vito said, and I'll make it simple. We sat at a table like this. We were given all those figures and we made a precautionary decision and that was the three hundred and something, and everybody every year, then and now, has said and the stocks are going up and the older fish are out there still, all those little things.

And this is the reason, as Vito said also, is the fact that we did look very hard at all those statistics when we sat making a decision several years ago, and those were the statistics. And when I heard that there is nothing to justify the three hundred and something thousand, well, when we made that decision, we were making -– we weren't taking just a guess.

We were being precautionary and based on statistics, and I haven't heard the statistics overall say that anything has declined, even the latest statistics.

I know there is a battle over a couple of model numbers, but basically everybody is saying the stock is still increasing. So this is the background and I'll shut up.

CHAIRMAN BORDEN: Dennis, you have the last word and then we're going to move on to Item Number 6.

MR. ABBOTT: Thank you, Mr. Chairman. I'm always I think the slow one in the crowd. I'm still stuck on page 3. At the beginning of this, we talked about developing a plan, and we're going to base it on a million metric tons.

And I keep thinking of what Lori said about basing it on the 1960 to 1970 figures, when the United States and Canada agreed. For the heck of me, if I was reading this from the outside, I would say why are we using figures from 1960 to 1970 when we're in the year 2003 and we come up with a figure of one million.

I don't dispute the figure of one million. That might be a good figure. But the reasoning for using that figure, to me, leaves me very cold.

And as was said by the folks from Massachusetts, you know, we have different figures of 800,000 for one side and 1.8. Why are we developing a plan when we don't seem to have any idea of what the population is?

I have no confidence in knowing what the total biomass is; and not knowing that, it doesn't seem logical to proceed with any cuts or increases or whatever. It just doesn't seem like we're starting at the right point, from my point of view. Thank you.

CHAIRMAN BORDEN: All right, David.

MR. ELLENTON: David Ellenton, Cape Seafoods. There are a couple of us in the room that actually earn our living out of this resource, and it's very important for us to have some sort of stability behind us in assessment and direction and thoughts where the managers are going with this fishery.

We are talking about conservative numbers, risk-averse approach. In 2004 we will actually be fishing the specifications that we're fishing this year. There's not too much concern that we're going to do any damage in 2004.

Those specs were carried forward in order to help the process, and that's fine. But we need to be basing what we can do on serious science. It will be a disaster for us if we have two separate plans. It's important that both plans run in tandem.

There are some things in the ASMFC plan that need to be there that will not be in the federal FMP. We need them to be there to retain some flexibility, talking about spawning closures and days out of the fishery.
We need them to be there to retain some flexibility in the way that we manage our businesses, in the way that people are buying, modifying, or selling fishing vessels to participate in this fishery.

There are changes going on in this fishery that I hope you are all aware of. It's an extremely important fishery to the lobster industry, and that's why we're here. That's not why we're here, but that's why I'm pleased we hear from people like Bill Adler.

It's a very important fishery for those of us who earn our living from that resource. We do not want to be overfishing it. We do not want to be catching the last herring, but we need some stability in the way that you're going forward. I would urge you to work towards developing as close a plan as the federal plan is for the sake of everybody. Thank you.

DISCUSSION ON THE DEVELOPMENT OF AMENDMENT 2 TO THE INTERSTATE FMP FOR ATLANTIC HERRING

CHAIRMAN BORDEN: Thanks, David. All right, we're going to move on to Item Number 6. Now let me just repeat that what I would hope that would come out of this is a motion to direct the staff to prepare a PID which would come back to the committee.

The open question I think is we have the scoping document that the council prepared, and I think that can form the basis for the development of the commission's PID. Dave Pierce identified this issue of juvenile herring, and we've spoken briefly about broadening the discussion in the document about forage issues.

Then there was a discussion about spawning closures and the necessity to have those as part of any PID. Let me ask this. Are there any other items that we would like the staff to include in a PID? John.

MR. NELSON: I'm not going to be able to answer that directly, Dave. My question was -- and I had asked earlier -- the council has got some proposed goals and objectives that are actually

different than what they currently have in place, and who knows if they'll change them. We'll find out tomorrow.

CHAIRMAN BORDEN: Right.

MR. NELSON: I guess the question would be should ASMFC goals and objectives be -– an alternative be similar to the proposed goals and objectives that the council has and how appropriate is that under our process?

I understand we've already requested that their proposed objectives be modified to reflect what our feelings are. But, is that something that we should have as a mix, so that in case they go ahead with that that, indeed, we also then can have the same debate over those proposed goals and objectives?

CHAIRMAN BORDEN: Yes, I mean, the most conservative risk-averse strategy here is to include both of them. And then in the final analysis we will pick from the range of alternatives so that we match up, to the extent we can, with the council process. Megan, do you have any other pearls of wisdom on that?

MS. GAMBLE: I guess just to clarify what you just said, you want both what we currently have in addition to what the council is proposing to go out to public comment?

CHAIRMAN BORDEN: Right.

MS. GAMBLE: Okay, because that's a lot for the public to comment on. I think it's okay. Normally the commission does not have the goals and objectives drafted for a public comment.

CHAIRMAN BORDEN: Well, we've recently done that with like winter flounder. We just did that specifically identifying some things and I actually –- I'm of a mind that helps the public focus in on some issues.

All you would have to do is to take -- most of the goals and objectives between the two I think will be similar, and what you would have to do is pair those up and then basically identify the ones that are different.

MR. NELSON: I think that certainly could work. Again, I'm not sure what that does to staff as far as their workload, but it didn't seem, as far as goals and objectives, whether that's much of a problem.

We may find out tomorrow that if the council adopts a certain set that we -– if we have another meeting –- can then have some type of agreement that, yes, we concur with that new set that the council is going out with, and we might even have that modified, too, I don't know.

MS. GAMBLE: I was just going to say that if staff is directed to develop a PID today, the section would have a chance to review it, I believe, during our annual meeting is when I think the section will get together again.

MR. NELSON: You could have it ready for August, couldn't you?

MS. GAMBLE: I could have it ready for August. That's ambitious, but if that is the pleasure of the section. I would prefer the annual meeting, but my point is that you'll have an opportunity to review the document, and also you will be notified as to the decisions the council has made.

CHAIRMAN BORDEN: All right, what other items do we want to address in the commission's PID? Dave Pierce.

DR. PIERCE: The PID definitely should focus on that which I don't think we've given adequate attention to yet, and it was just highlighted by David Ellenton -- and I don't think it's reflected in any of the objectives that we have right now before us.

I'm not sure how to word it, but it relates to stability. The industry has to know, as best it can know, what is going to happen and not just this year, but next year. It needs to have some sort of stability and not widely fluctuating management measures to address perhaps widely fluctuating TAC's.

In particular, this PID would need to have in it more of a focus than the federal plan usually does on socio-economic impact, and that all comes down to stability, impact on the industry itself. The federal government obviously has to pay attention to the impact, but I don't think the federal government pays enough attention.

It's the states that pay attention to it certainly much more than the federal government because we're the states. They land the fish in our states where our processors are located, where the boats tie up.

Therefore, this has to be covered in the PID, the issue of some stability in the fishery. The council's or federal government's risk-averse approach can conflict with what the states want to do.

And, in particular, I would think that oftentimes the risk- averse approach is actually risk prone from the perspective of states in terms of the impact on the industry itself.

So that, to me, is an important balancing, the risk-averse nature in terms of our not doing damage, so to speak, to the resource, overfishing and all of that, but we also don't want to unnecessarily impact the industry itself through risk-averse approaches that actually are risk prone for the industry and for what we have to do within our states.

CHAIRMAN BORDEN: All right, anything else? Is there any objection to adding that in as an item? No objection? John.

MR. NELSON: Thank you, Mr. Chairman. One of the items that we have on ours is the effort controls, and I know that's somewhat of an issue on the federal program.

I'm anticipating that we would have a section in ours that either reflects what we're able to do under effort controls, days out and that type of thing, or a laundry list of items that the commission would be able to enact, if we see fit, to control the harvest of the TAC.

CHAIRMAN BORDEN: Any objection? I think what John is urging is some of the things that we already do and expand the list. Mary Beth.

MS. TOOLEY: I was glad that John brought that up, because as the plan currently is now for the states, that days out of the fishery approach, we tried it in the first year; and as you all know, it didn't work well at all.

I think this is a good opportunity to clarify in the plan different options that we can look at and certainly the status quo and how we do in this current year as being one of them. But there's no point in having a days-out option that we're really truly never going to use in the commission's plan.

CHAIRMAN BORDEN: All right, anything else? Eric.

MR. SMITH: I hope I don't embarrass myself because you may have said this in your introductory remarks, and I was forming a different point of view.

In the agenda, at least, I don't see any reference to limited access, and I don't know if you embodied that in your introductory remark that implicitly was included, but if you didn't, I clearly think –-

CHAIRMAN BORDEN: It is.

MR. SMITH: It is?

CHAIRMAN BORDEN: Yes.

MR. SMITH: Okay, thank you.

CHAIRMAN BORDEN: Lori.

MS. STEELE: In the scoping document for the federal amendment, there was some mention of fixed-gear fisheries, but every time that the PDT keeps coming back to that issue, we keep thinking that it probably should be addressed through the ASMFC amendments since all fixed-gear fishing occurs in state waters.

I'm thinking about if there is a limited access program developed, rather than have some federal permit for fixed-gear fishermen to get through our amendment, it might be easier to just not address it in the federal amendment and let the ASMFC plan address permitting for fixed-gear fishermen. You might want to have more discussion of it in your document than we did in ours.

CHAIRMAN BORDEN: All right, any other issues? Bill Adler.

MR. ADLER: This is just a question. Why does the ASMFC have to develop an amendment to its herring plan, again? It isn't because the council wants one, right?

CHAIRMAN BORDEN: No.

MR. ADLER: There is another reason, right?

CHAIRMAN BORDEN: No, it seems to me that –- well, Megan, do you want to answer that? I've got my own answer, which may be different.

MS. GAMBLE: Mine is just talking about process. The commission always revisits the plan in place after it goes through a stock assessment because generally a stock assessment leads to an

amendment, and so that's why it has been brought up for discussion here at this meeting.

I've also been asked by several and have been told that is something section members are interested in pursuing. In addition to which I have heard over and over again how important it is for the commission to remain in concert with the federal plan.

MR. ADLER: Well, I think it's sort of important that the federal plan stay in concert with the Atlantic States instead of the other way around.

MS. GAMBLE: Unfortunately, the commission doesn't have -– I agree, for herring management to work, yes, that's true, but the commission doesn't have control over what the council does, so we're doing what we can on our side.

MR. ADLER: Well, that's why I wanted to know why. I just was wondering, well, you know, it isn't a matter of the federal council wants it so therefore the Atlantic States has to follow suit and do it, too?

MS. GAMBLE: No, that's a component of it. But like I said before, in our process, a new amendment is usually driven by a new stock assessment. We just had a new stock assessment and the peer review of that stock assessment.

MR. ADLER: And that was the stock assessment we just heard today?

MS. GAMBLE: Yes.

MR. ADLER: That was the stock assessment?

MS. GAMBLE: Yes.

MR. ADLER: So we can review and see if we want to do an amendment?

MS. GAMBLE: No decision has been made. I haven't written a motion up on the board.

MR. ADLER: I was just curious.

MS. GAMBLE: We haven't committed anything yet.

CHAIRMAN BORDEN: Bill, just so you're clear, the only thing you're committing to, when you do a PID, is take the issue out to the public and basically ask them for comments, and after that you're going to make a decision on whether or not you should do an amendment.

MR. ADLER: Thank you. Yes, that's good.

CHAIRMAN BORDEN: John.

MR. NELSON: Thank you, Mr. Chairman, and, again, we have a number of items in our current management plan that I think obviously should be in the PID. One shade of that deals with the spawning closures. We have different modifications that have taken place over the years.

I think we want to make sure that we have visited the issue of whether or not a closure is a closure or does it have exemptions that work or don't work.

That means our Law Enforcement Committee should be involved in that to provide some insight to us. Certainly, I think proof of the pudding would be dirty uniforms from Maine and Massachusetts, but I have yet to see that.

But that type of thing I think is obviously what I think we need to make sure we have in there options for consideration to make sure this is going to be effective.

CHAIRMAN BORDEN: Lew.

MR. FLAGG: Thank you, Mr. Chairman. I just happened to think of another item that we really need to include in the PID, and that is the discussion of a research set aside.

Because the herring fishery, the herring resource isn't overfished and overfishing isn't occurring, it's very difficult to get funding to do the necessary work to manage this species correctly.

I think we really need to make a pitch about how we're going to generate revenue or how we're going to make sure that the appropriate research gets done so that we can answer some of these questions that have been posed for a number of years now.

CHAIRMAN BORDEN: Okay, any objection to that? Dave Ellenton, you had your hand up.

MR. ELLENTON: Yes, Dave Ellenton, Cape Seafoods. I just wanted to support the question that Bill Adler asked, and that is we're going to do a full-blown amendment because there has been a

revised resource assessment, and I hope that we continue to revise the resource assessments as we go on.

Industry is going to participate in determining the quantities of fish that are out there. I hope that we revisit the 2005 proposed specifications in 2004, and that whatever is set here tomorrow, or whenever it is set for 2005, actually comes under some scrutiny again in 2004.

I hope that we don't have to go through the amendment process every time and look at goals and objectives in a plan that has only been there for two years and look at the numerous other things that are being looked at in a plan amendment because we've got a revised or renewed resource assessment.

I think Bill's question is something that we should keep in mind; and, hopefully, as we go forward, we are able to look at the resource. It might not be a full-blown assessment with the Canadians. This has been a very, very disappointing situation from the industry point of view.

We've been waiting for a long time to get a revised assessment from this TRAC process, and it's been a failure. It's a total failure to the industry.

We're not being man enough to stand on our own two feet and be counted and say throw that Canadian assessment out, stand on our two feet and accept the U.S. one and go forward. That's just an aside. I just hope that we don't have to go through a full- blown assessment every time we are able to reassess the resource.

CHAIRMAN BORDEN: Thanks, David. I think what we need at this point is a motion to direct the staff to prepare a PID as modified by the discussion today.

MR. NELSON: So moved, Mr. Chairman.

CHAIRMAN BORDEN: In other words, add in all those items that have been suggested here in the past 45 minutes. Is there a second? Seconded by Eric Smith and motion by John Nelson. Eric.

MR. SMITH: Most suggestions you had said are there any objections and seeing none and it was included in. The one about fixed gear, I didn't hear that question. Is that one that is going to be in there?

CHAIRMAN BORDEN: Yes.

MR. SMITH: Okay, and my other question is then the other thing I haven't heard, and maybe it's because it's not so much of an issue for this plan, but one of the burning issues, at least in Southern New England, between the two councils seems to be the interaction of mackerel and herring planning.

I think that's more council plan interactions, but if there's something we can lend to that to try and make for a more efficient total fishery –-

CHAIRMAN BORDEN: That actually is part of the council scoping document --

MR. SMITH: Is it? Okay.

CHAIRMAN BORDEN: -- if I'm not mistaken.

MR. SMITH: So anything in the council scoping document goes in here anyway plus?

CHAIRMAN BORDEN: Is going to go into it, right, plus. Dave Pierce.

DR. PIERCE: I assume the PID is going to refer to much of the information that is within the document that we discussed today, the PDT report.

If that is true, I want to make sure that there's not an inaccuracy here that I just may have found, and that is with regard to an important statement that we have focused on, which is –- if I can find it here -- that an average biomass of one million metric tons would be consistent with the 1960 through 1970 time period because both the models agree.

This was already referenced a little earlier on this afternoon. I look at Figure 1 and my rough calculations get me more than one million pounds over that time period, so we need to figure out what exactly we're talking about here because it looks like it's like 1.3 million and not just one million.

So, we're talking metric tons here, thousands of metric tons. So if I'm correct, then we're looking at more biomass; and if I'm in error, then it's around one million metric tons.

CHAIRMAN BORDEN: Megan.

MS. GAMBLE: I'm going to ask for a little guidance again. Our PID's are usually a list of general issues or topics that we want to gather

general discussion or comments from the public and don't include options and alternatives.

That's another step in our process that will be soon to come. So, while the council is ahead of us, I think we can't jump right to where they are. We need to start with our process and move right through it.

So I would like to ask the board –- I don't know what I'm hearing here. Do you want those options in there or is it okay just to do general topics with some discussion in there?

CHAIRMAN BORDEN: General topics and discussion, I think that's what -– now, what I would propose here is that as soon as the staff –- assuming this motion passes, as soon as the staff finishes this, we will circulate this document in advance of a board discussion, and, hopefully, that will be at least two weeks prior to the board discussion and will allow a period of time for any of the members of the section to comment so that we can try to consolidate those comments and go in with a revised document by the board meeting. Any objection to that?

All right, if not, further discussion on the motion? The motion is to approve the development of a PID, adding in the items that were discussed today, and I'll just list them and this is not totally comprehensive:

Issues pertaining to juvenile issues, forage issues, spawning closures, goals and objectives, stability, effort controls, fixed-gear fishery set aside, and a research set aside.

I think that's all the items on the list, and I've got that so Megan can copy it down afterwards. Any other items? David Pierce, before I call the question.

DR. PIERCE: I assume that the research set aside aspect of the PID would have -- well, let's see -- that we could benefit from the experience of the Mid-Atlantic Council in particular regarding how they've used research set asides.

CHAIRMAN BORDEN: Right.

DR. PIERCE: I'm very displeased with the way that has worked, for a number of reasons that I won't get into now. So, I don't want to buy into a research set aside program for herring that might parallel what is happening with the Mid-Atlantic Council.

I would suggest that staff take a look at what is happening there and include that as part of the PID that can be circulated and then we can comment on that, too.

CHAIRMAN BORDEN: Yes, I mean, it's going to be done in the context of the way it was proposed here. In other words, Lew raised it from the perspective of there's a critical lack of financing for research, and the question will be posed should there be a portion of the TAC set aside for research set aside.

If so, what conditions should be imposed on it? So, it's wide open. It's asking a fundamental question and not committing you to anything. That's just what you intended, right? Do you need a caucus? We'll take a one minute caucus.

(Whereupon, a caucus was held.)

CHAIRMAN BORDEN: Everybody ready? Megan raised a question to me about IWP's, and I guess my own view is that there should be some kind of bullet in there that speaks to IWP's and kind of the history of them and the fact that the commission basically did not authorize one and what the logic was.

Then if anybody wants to talk about it, there will be a point that they can talk about. It doesn't lead them to any conclusion. Any objection to adding it to the list?

Are you ready for the question? All in favor, raise your right hand; opposed; abstentions. The motion carries unanimously.

So we're going to move on to coordination of herring and mackerel. On this particular item there has been a great deal of discussion, both at the council level and the Mid-Atlantic Council level, about the need to coordinate the limited entry criteria for mackerel and herring specifically.

Is there a specific process that the New England Council is going to follow in order to coordinate the herring/mackerel issue other than appoint me to the Mackerel Committee?

MS. STEELE: No, that's about it.

CHAIRMAN BORDEN: And Lew.

MS. STEELE: And we've added Jim Ruhle to the Herring Committee, so we have an overlap

between the two committees of two members each, voting members.

I have spoken with Mid-Atlantic staff on mackerel, and they either have already or are getting ready to initiate an amendment to do limited access in the mackerel fishery.

When we talked just on staff level, since they're going to be doing that in the future, they sort of said they were going to look at what we're doing in herring as a starting point and try their best to coordinate with the mackerel fishery. I don't really know what that means at this point.

CHAIRMAN BORDEN: Well, I mean, just so everything is on the table, one of the big issues with mackerel is they're harvesting 15 percent of the TAC on mackerel, 15 percent because there's a mix of herring and mackerel in the same fishery in the Mid-Atlantic when they traditionally have the high catches of mackerel.

It's critical, from their perspective, from the Mid-Atlantic perspective to have adequate access to the herring resource. Otherwise, they won't be able to harvest their TAC of mackerel, so it's a very big issue for them.

I think it's fairly easy for Lori, when she outlines some of those area TAC's, on realigning the TAC's by area, I'm sure that's going to trigger a whole series of concerns on the part of the Mid-Atlantic fishermen.

Well, if you cap the fishery in Area 2 at the current level, what happens to the expansion of their mackerel fishery? I say that not to lead you in any direction, but this is a big issue for the Mid-Atlantic Council.

Unless somebody has another alternative, I would suggest that the commission simply would participate because, as I indicated, Lew and I will be attending a number of meetings. We wear both hats.

We'll continue to try to represent whatever interests this group has in the appropriate forums. But, if somebody has a suggestion that is different than that, please bring it forward and we'll try to flesh it out. Dave Ellenton.

MR. ELLENTON: Dave Ellenton, Cape Seafoods. Presumably, Mr. Chairman, you would do what you just described yourself and Lew would do that actually as council members rather than ASMFC reps, and I encourage you to continue doing that.

I'm glad that we've got two members who are very knowledgeable of the herring fishery participating in those mackerel meetings. I think it is important, though, that if the ASMFC does want to consider some type of coordination -– I'm not sure that's going to be the right word, but some type of monitoring of what is going on with the mackerel management, that you do actually meet prior to a Mid-Atlantic Council meeting that has mackerel on the menu.

One of the things that we don't do as the New England Council is we don't get the -– for instance, this year we did not get the Mid-Atlantic Plans Committee together prior to the Mid-Atlantic Council setting those specifications on mackerel.

I think if we're going to have any input, we need to know and those that represent us need to know not only where you as managers are coming from, but where we as the industry are coming from because they will develop a limited access program on mackerel.

It's a completely different resource area that they're dealing with. They don't have the subdivisions in their fishery, and I don't think that the Area 2 situation is going to be too difficult to overcome.

I think the difficult situation is going to be if we're ever starting to fish for mackerel in the Gulf of Maine again in any quantity, and then there will be some problems that we're going to have to resolve at that time.

But they are paying very close –- they're watching very closely what we're doing in the herring fishery and the limited access program that is going forward, and starting to express some concerns about the direction that it's going in.

Again, my main point is that if you're going to monitor it, let's get together before you monitor it and go down there and meet with them. Thank you.

CHAIRMAN BORDEN: All right, any other comments on this? The next item is the issue of inshore spawning areas. Megan, it's on the agenda.

MS. GAMBLE: Those are just all the issues that are specific to the commission's plan, and I just listed them out to make sure that the section talked

about them and told staff what they wanted to see in the PID.

CHAIRMAN BORDEN: Okay. And just so everyone is clear, this has to be one of the issues in the PID. I mean, we spent a considerable amount of discussion. Ritchie, I think, has raised this issue two or three times. This has to be part of any discussion for the inshore areas.

We've already discussed the issue of internal waters processing. That will be on the list so people can discuss that, and also the issue of effort controls will be on the list. Anything else under Item 6 then? If not, Item 7, Megan.

REVIEW HERRING COMMITTEE MEMBERSHIPS

MS. GAMBLE: Included in your enormous section packet is a list of all of the current herring committees, and I need your help in updating these committee lists so that staff has some help developing this PID; and assuming the section decides to have an amendment, some help in developing that amendment.

I provided these so that you guys could look over who is representing each state; and if those changes need to be made, I would greatly appreciate you letting me know.

Included is the technical committee, the stock assessment sub-committee, which isn't critical at this juncture because we just completed that process. But, very critical is the plan development team and the plan review team -- so the tech committee, the PDT, and the PRT.

CHAIRMAN BORDEN: All right, are there any suggested changes at this point? If not, we're going to handle this the way we've handled it with -- David.

DR. PIERCE: Only that I thought that Massachusetts representation on the PDT had been set. Obviously not, so I'll fix that.

CHAIRMAN BORDEN: What I would suggest is that we'll allow the committee members two weeks if they want to make changes on their list. They have to get the list, those suggested changes to Megan, and I would ask Megan to simply send out an e-mail to all of the committee members reminding them of that deadline. Any objection? If not, we'll move on.

ADVISORY PANEL NOMINATIONS

MS. GAMBLE: I just wanted to discuss the AP separately because we have a couple of nominations. Included in the packet is a memo from Tina Berger, and there are a couple of nomination forms included.

But before I get to those, I just wanted to mention there are still several vacancies on our AP, and we anticipate that our AP is going to be active over the next year if we do develop an amendment. That's a vital part of our development process for out plans.

But right now, we have nominations for Peter Moore from Massachusetts, Chuck Casella from Massachusetts, and Mary Beth Tooley from Maine.

CHAIRMAN BORDEN: Any comment? Bill Adler.

MR. ADLER: Can I make a motion to accept the nominees to the Advisory Panel?

CHAIRMAN BORDEN: Before you do that, Bill, is there any objection to approving the suggestions already made? If not, they stand approved.

MR. ADLER: All right, and also we're working to fill the one vacancy in Massachusetts.

OTHER BUSINESS: IWPS

CHAIRMAN BORDEN: Okay, thank you. Other business? We're down to other business. Peter Mullen, you asked for a chance to discuss IWP's; is that correct? Come to the mike, please.

MR. PETER MULLEN: I got a letter in the mail the other day that says that Rhode Island wasn't going to have any more IWP's; is that true?

CHAIRMAN BORDEN: That's based on the action of the commission. In other words, the commission took action at their last board meeting and basically did not approve a 2004 application for the state of Rhode Island and New Hampshire at the same time.

As a result of that, our executive director sent a letter to the governor of Rhode Island, and I believe New Hampshire, notifying them that there was no IWP.

MR. MULLEN: I would like you to revisit that because there's two processing plants, one in Gloucester and one in New Bedford, and they've got their own boats that fish into them.

Of the twenty boats that's involved in herring fishing, that's sixteen boats that's going to go without a market. We need that market and we need it in mackerel and herring in Area 2.

I think it's a must that you revisit that because it's going to hurt a lot of fishing boats, and that's what we're talking about here, isn't it?
It's going to hurt sixteen fishing boats, which is the majority of the fishing fleet that's fishing for herrings and mackerel. I think I would like if you could revisit that if possible.

CHAIRMAN BORDEN: Okay, thanks, Peter. Anyone else on IWP issues? Is it the same issue, Bill, or is it a different one? Go ahead.

MR. BILL QUINBY: I just wanted you to follow up on my letter which I sent to you.

CHAIRMAN BORDEN: Well, the committee already took a position which ended –- we voted on approving an IWP for 2004, and I think it was a tie vote. As a result of that, the motion failed at the last commission meeting.

Now, since we have our commission chairman here, he can enlighten us as to the legal process we would have to follow if we wanted to reconsider this.

MR. NELSON: Thanks, Dave. Well, I think we've had a recent opportunity to see how the commission would deal with votes that have dealt with season setting, quota setting, final determinations for fisheries.

I believe that same process would have to be employed for revisiting this particular issue, since it was a determination for the year; and that, very simply, is that a two-thirds majority would have to vote in the affirmative to reconsider that action. That's two-thirds of the entire section; and of this section, I believe we have seven members.

Now that's not a very clean mathematical way because it comes out 4.66, but I feel that you cannot say 0.6 means you are doing four. It really is a five, so you would have to have a five- vote affirmative to reconsider that particular thing.

CHAIRMAN BORDEN: Okay, and that would put it on the table and then we would require a majority vote to change the position; is that correct? In other words, the motion to reconsider merely gets the item back on the table so that you then debate the issue and then is it majority rule or is it –-

MR. NELSON: No. Well, the way we have done it, Dave, is that the motion to reconsider was the main motion.

CHAIRMAN BORDEN: Main motion, okay.

MR. NELSON: And so you needed that two-thirds majority, rather than having two separate motions.

CHAIRMAN BORDEN: All right, before we get into a lengthy debate here, the motion the last time we discussed this was three to three. It will require two states that voted against the IWP to change their position.

Let me invite those two states –- I mean, the states that supported it don't need to say anything. Are there two states that have changed their position on this issue? If they haven't, I can guarantee what the vote is. The vote is going to fail if a motion is made.

So has anyone changed their position on this issue, any state, any members individually? Then I would suggest we don't have too much to discuss. If we put a motion on the table, it's going to fail. The vote is going to end up being exactly the same way.

Now, I'm not saying that to avoid going through that exercise, but time is kind of critical for a lot of members who are going to have to drive tonight; and if nobody has changed their position, the result is going to be the same.

Anyone see a necessity to go through a process of having a motion put on the table here? If not, Bill, do you want to plead your case one last time.

And before you speak, when he concludes his presentation I am going to ask the same question, has anyone changed their position?

MR. BILL QUINBY: Bill Quinby from Mayflower International in Boston. As a facilitator of joint ventures and internal water processing operations, we would like, obviously, continue to provide a market for fishermen like Captain Mullen had mentioned.

It is very important for a lot of vessels in the wintertime. It provides millions of dollars to an industry that spends too much time at the dock as it is.

It's sort of interesting to me that frankly on a telephone meeting that this sort of vote can take place, and New York is not participating in it. And, frankly, you have people from New Jersey, which really aren't involved in the herring fishery at all, weighing into this question of whether New Hampshire or Rhode Island can be authorized to process fish within their state waters.

I don't know if I'm speaking to the air here or what, but it sounds to me like it's going to be very difficult to open this up again. I know that individual states that have voted against this have had phone calls from harvesting sector in their states saying that they want to support the continuation of this as long as there are insufficient plants on shore.

We've done this for more than 20 years, as many people here know. It does provide a significant amount of benefits to the harvesting sector in particular.

It's unfortunate if this process does not allow for one state to do what they want, basically, which is provided for in the law, basically, this public law which says this governor can authorize additional processing in his state, actually, of course, in conjunction with the proper management authority and that it doesn't interfere with any shore-based activity.

We see this as a benefit. It's not interfering with any shore- based activity. It catches the overflow and provides extra work for a lot of people, not only the fishermen, a lot of support services on shore.

We have a vessel called the Doria which has -– it's been here for several years on and off sporadically. It's an excellent platform for biologists, for research people to go on board and do any work. It has excellent communication facilities.

It has basically got one more year that it would like to work here on the east coast of the United States. So, we are starting at the end of this week and going out to Georges Bank with herring.

As I explained, we think at the end of the summer, when the weather is sporadic out there, to be able to work in New Hampshire until the fish move around the Cape into Area 2 and work on mackerel and herring, as we have for the last two winters.

And it's gone very nicely, and it's just sort of a shock, to be honest, to be told that we're not going to be able to do it again. I don't know what the options are. I mean, obviously your bylaws and regulations are what they are.

But, if there is some way to at least allow for the Doria to operate, together with U.S. fishermen, here until the end of the mackerel fishery in 2004, it would be a big benefit to a lot of people. I'm happy to answer any questions.

CHAIRMAN BORDEN: Any questions for Bill? Just so the record is clear, the action on this was at the May 21st meeting of the Joint Herring Committee with the Advisory Panel in Danvers, Massachusetts.

The specific motion just related to Rhode Island. It was a motion by Dave Pierce and seconded by Eric Smith, and the motion was move to approve the 2004 Rhode Island for 5,000 metric tons if the harvest is restricted to occur exclusively in Area 2. The ASMFC motion failed, three opposed, two in favor, and one abstention.

MR. NELSON: Just for clarification, Dave, that was the last vote, but I think what Bill is referring to is that the previous month or two months previous to that we dealt with the current year.

CHAIRMAN BORDEN: '03.

MR. NELSON: '03.

CHAIRMAN BORDEN: '03.

MR. NELSON: And that was a 3-3 tie, as you had properly mentioned before, and the vote failed because of that.

CHAIRMAN BORDEN: I realize it's confusing, but just so everybody understands what -– and correct us if this is wrong, Bill. What you're requesting reconsideration is of the motion that I just read. 2004 is what you want action on?

MR. QUINBY: I don't know what I'm requesting, Mr. Chairman, I just want to be able to work.

CHAIRMAN BORDEN: See, we have to be clear on the record that what you're asking for -–

you have an unharvested amount of herring in Rhode Island for 2003. If you get permission from the state of Rhode Island, you can take a boat back in the fall and process fish. What you're asking for is your allocation for 2004 was denied.

MR. QUINBY: Right.

CHAIRMAN BORDEN: Okay, and you're asking for an allocation in 2004?

MR. QUINBY: Yes, sir.

CHAIRMAN BORDEN: Okay. Ritchie.

MR. WHITE: Thank you, Mr. Chairman. In his letter, I think the first vote that we're talking about was the 2003 IWP.

CHAIRMAN BORDEN: Right.

MR. WHITE: So there is that and then the 2004 allocation.

CHAIRMAN BORDEN: Right. I mean, just so everyone is clear -- and I can't remember the exact number -- Bill's operation, I believe, it didn't even harvest a thousand metric tons of herring in 2003. The approved amount was 5,000, so he still has fish remaining on that allocation. He has not requested to bring the boat back of the state of Rhode Island, but he has no allocation in 2004. Eric.

MR. SMITH: To try and make sure this is clear, I have the same meeting minutes that David read, but my recollection is that there have actually been three votes on this.

There was an initial 2003 allocation vote. New Hampshire's lost and Rhode Island's prevailed. That's the 2003 allocation being fished on.

Then there was a request for an additional amount for 2003. That's the one that died in a conference call on a 3-to-3 tie, but the original allocation for 2003 was still there. Then on May 21st, in the face-to-face section meeting, there was a vote that failed 3 to 2 to 1 for 2004.

MR. QUINBY: Excuse me, the troubling thing -- and actually the Russian Fisheries attaché had a meeting at the Department of State basically trying to clarify that they have a bilateral fisheries agreement with the United States, and that the herring management plan specifies 10,000 tons for internal waters and 10,000 tons for joint venture processing. Basically, the JVP has gotten so cumbersome with all these new security laws and everything, it's very difficult to do. And the IWP is in the management plan, but you can't get approved for it. So, I mean, what is going on here?

This is basically a bilateral fisheries agreement being affected by this ASMFC decision or process. I mean, take it out of the plan if you're not going to allow it, but don't invite these people over here that have a fisheries agreement with the United States and then tell them no.

CHAIRMAN BORDEN: Okay, just to add more confusion here, having not seen Bill's letter, I just have read through the first part of it. What he is actually asking for -- and it's the reason for the confusion on the vote -- is during the conference call in 2003, as I think Ritchie tried to state, there was a tie vote and that tie vote resulted in the state of New Hampshire not being allowed to have an IWP in 2003.

So his first request is to ask for reconsideration of his 2003 request for the state of New Hampshire. That's his first request. Let's just deal with these one at a time, just to make sure we address all the components of the request.

I ask the same question I asked before, of the 3-to-3 tie, has anyone changed their position on that issue? We've heard from Peter Mullen in the industry. Anyone on the board?

If not, if a motion is made, it's going to go nowhere. You need five votes in order to pass it. Does anyone care to make a motion on this? If not, we'll just move on to the next item. Peter.

MR. MULLEN: I would ask you guys to reconsider.

CHAIRMAN BORDEN: You're going to have to come to the microphone, Peter.

MR. MULLEN: I would ask you guys to reconsider on the Area 2 IWP.

CHAIRMAN BORDEN: We're not going to do Area 2 yet, Peter. We're just dealing with Bill's first request, which is the state of New Hampshire.

MR. MULLEN: Oh, okay, all right.

CHAIRMAN BORDEN: No one wants to reconsider; no one wants to make a motion? Dennis.

MR. ABBOTT: I'm not prepared to make a motion, but I would like to make a comment as a state affected by the action that we took. I still feel that the action that we took on April 10th, I'm not in agreement with it, and I think that I would like to ask my neighboring states to reconsider their action because a year ago we voted to authorize an IWP.

We said that we could take X number of tons. We said that, and there is really no reason for us not to allow that. Further, there is no reason to deny the state of New Hampshire the opportunity to participate in an IWP.

The argument that is given a lot is the fact that we have shoreside processing, but we hear also that the shoreside processing isn't going to affect this. We have boat owners coming forward and saying we want this market.

To me, they wouldn't want the market if they had another market. I would really like to ask the states of Massachusetts and Maine, in particular, to support the state of New Hampshire and support the IWP in this instance, because I think there's a bit of equity involved.

We heard earlier arguments, when we talked about preparing an amendment, that we have a robust, a robust, biomass out there. We heard this over and over from our neighboring states, don't cut back on the fishery.

But now that we want to participate in an IWP, low and behold, let's not go fishing. There is something wrong with us when we do these kind of things. Thank you.

CHAIRMAN BORDEN: Let me ask the question I think for the third or fourth time. Has any state delegation that voted against this proposal, when it was a tie vote, changed their position? Anyone?

Then, I'm not even going to bother going down the road of having a motion on it because I already know what the result is. Since you need a two-thirds vote, you need five out of seven -- is that correct, John -- five out of seven people and you only had three votes. You have to pick up two votes in order to -–

MR. SMITH: More to the point, it would have to be unanimous here.

CHAIRMAN BORDEN: Yes.

MR. SMITH: I would be prepared to offer the motion and New Hampshire would probably second it, but you've got the answer that you've got.

CHAIRMAN BORDEN: Right.

MR. SMITH: I'm not arguing with people for having the view they have, I just almost would rather have the record clear with a motion, but there is no point. We know what it will be.

CHAIRMAN BORDEN: Right. So unless there is a motion, we're going to move on to the next item, which is reconsideration of the 2004 request from the state of Rhode Island.

That failed based on three opposed, two in favor, one abstention. Any state's delegation here want to reconsider their position on that and offer a different position?

Once again, it will require a unanimous agreement, five. If we don't have a motion, we'll just move on. There is no point in -– David, what I'm trying to do -- and I'm not trying to bias or circumvent your comments -- I'm just trying to get down to brass tacks here. If people are going to change their position, we need to know about it, and then we'll deal with it in a motion.

MR. ELLENTON: Yes, I appreciate the doubt. David Ellenton and I'm speaking as chairman of the advisory panel. I appreciate the direction that you're going in, Mr. Chairman.

I just want the members to know, the state reps to know that the last advisory panel meeting that we had where IWP's in the state of Rhode Island were discussed, a number of advisors spoke up in support of a Herring IWP in the state of Rhode Island, particularly if the fish was going to come from the under- exploited Area 2.

So as someone who really should be sitting at the table and chose to sit in the audience, as the chairman of the advisory panel, I just wanted you all to know that information.

If I may just speak as Dave Ellenton from Cape Seafoods, who operates and manages one of the processing plants in Gloucester, Massachusetts, I can tell you that I personally have no problem with a

Herring IWP taking place in Rhode Island where the fish comes from Area 2.

If we continue to allocate the types of quantities that can be taken from Area 2, then there is no justification at all in denying an IWP by a nation that has an international fisheries agreement with the United States that is supported by American fishermen.

There is no justification at all in denying that operation access, other than the state itself not wanting to have the operation take place in state waters.

I think from a processing point of view that could be permit regulations that could be beneficial to a processor. We may be able to sell frozen product in conjunction with the joint venture IWP operator to a market, which is very, very difficult for us to penetrate at this time.

Markets change. It's extremely difficult for us to penetrate the Russian market at this time, and it may be a tool and some leverage that we could use to have some products going to that market.

As Peter Mullen said, there are a number of fishermen -- and they're not just Rhode Island fishermen -- there are a number of fishermen who would participate in an IWP in Area 2 in the winter months, which is the time when the herring is down there, and it's also the time when mackerel is down there.

There are tremendous differences between supporting an IWP in the state of New Hampshire and the state of Rhode Island. And, again, to repeat as the person who operates and manages the plant in Gloucester, I would support and IWP on herring in 2004 for fish taken from Area 2. Thank you.

CHAIRMAN BORDEN: Thanks, David. Any state need a minute to caucus among their delegation before I ask the question again?

MR. SMITH: A question. Wasn't the New Hampshire proposal also Area 2, because I made that mistake at the last meeting?

MR. NELSON: Just for the record, all the IWP's are not –- none of the IWP's are from 1A or 1B. So, I don't know what the immense differences are that were referred to, but there are none.

MR. SMITH: I asked that question in May. It also, as I understood it, I was not 3. It was 2. Oh, it was 3 also? That's what I thought.

MR. NELSON: No, no, the last one --

CHAIRMAN BORDEN: The motion on Rhode Island was specific to Area 2.

MR. NELSON: Area 2, that's right.

CHAIRMAN BORDEN: Exactly what David asked for.

MR. NELSON: And 2 and 3, just to make sure amongst the section members having clarity, that's where the IWP's are authorized to come from, not from any other area, so it doesn't matter where the boat is.

MR. SMITH: I know. It's just the argument for people that opposed the New Hampshire one was because of Area 3 and not because of Area 2.

CHAIRMAN BORDEN: Any state delegation that has changed their position on this? Anyone want to deal with this in the form of a motion so the record is clear? If not, I think that concludes the items. Bill.

MR. QUINBY: A short question, if I might. If it could be hypothetically possible for a state to go on their own and if they feel it's in the best interest of their constituents and their industry to authorize a vessel to process in their state waters, is this a possibility at all?

I mean, according to the federal law, the way I read it, it's up to the governor. If the governor wants to upset his neighbors to the north and south, it's sort of up to the governor to do it if he wants.

CHAIRMAN BORDEN: You're technically correct as far as the law, but the states early on agreed that relative to IWP's, they would be bound by the action of the commission. Any further business on this? Any further business before the board today? You've got the last comment, Peter.

MR. MULLEN: I come to these meetings expecting fishery managers to do things to better the fishery, and I can't believe these states that are sitting here at this table and can't see that fishermen need this market.

Five years from now, two years from now we might not need the market, but right now we need the market. You guys are here as fishery managers and you're voting against fishermen to go out and make a decent living. I can't believe it. You guys ought to be damned well ashamed of yourself.

CHAIRMAN BORDEN: All right, any other business to come before us? If not, the meeting is adjourned. Thank you very much.

(Whereupon, the meeting was adjourned at 3:30 o'clock p.m., July 14, 2003.)

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