

Atlantic States Marine Fisheries Commission

Atlantic Herring Management Board

May 5, 2020
9:30 – 10:30 a.m.
Webinar

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

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| 1. Welcome/Call to Order (<i>C. Patterson</i>) | 9:30 a.m. |
| 2. Board Consent | 9:30 a.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from February 2020 | |
| 3. Addendum III for Final Approval Final Action | 9:35 a.m. |
| • Review Options and Public Comment Summary (<i>K. Rootes-Murdy</i>) | |
| • Review Advisory Panel Report (<i>J. Kaelin</i>) | |
| • Consider Final Approval of Addendum III | |
| 4. Reconsider 2020 Area 1A Specification (Allocation Distribution), if Necessary (<i>K. Rootes-Murdy</i>) Final Action | 10:00 a.m. |
| 5. Other Business | 10:20 a.m. |
| 6. Public Comment | 10:25 a.m. |
| 7. Adjourn | 10:30 a.m. |

MEETING OVERVIEW

**Atlantic Herring Management Board Webinar
May 5, 2020
9:30 – 10:30 a.m.**

Chair: Cheri Patterson (NH) Assumed Chairmanship: 2/20	Technical Committee Chair: Renee Zobel (NH)	Law Enforcement Committee Representative: Delayne Brown (NH)
Vice-Chair: VACANT	Advisory Panel Chair: Jeff Kaelin (NJ)	Previous Board Meeting: February 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, NMFS, NEFMC (9 votes)		

Public Comment – For items not on the agenda, public comment will be taken at the end of the meeting. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from February 2020

3. Addendum III for Final Approval (9:35 – 10:00 a.m.) Final Action
<p>Background</p> <ul style="list-style-type: none"> • In October 2019, the Board initiated development of Draft Addendum III to provide more tools for managing the Area 1A fishery under low quotas. • The Board approved Draft Addendum III for public comment in February. Public hearings were held in ME, NH, MA, at a NEFMC Committee Meeting, and via webinar in March. (Briefing Materials) • The Advisory Panel met to provide recommendations on the Draft Addendum in March. (Briefing Materials)
<p>Presentations</p> <ul style="list-style-type: none"> • Review of options and public comment summary by K. Rootes-Murdy • Review Advisory Panel report by J. Kaelin
<p>Board actions for consideration at this meeting</p> <ul style="list-style-type: none"> • Consider final approval of Addendum III

4. Reconsider 2020 Area 1A Specifications (Allocation Distribution), if Necessary (10:00 – 10:20 a.m.) Final Action

Background

- In October the Board set the seasonal allocations for the 2020 Area 1A fishery.
- Draft Addendum III includes options that could modify how the allocation is distributed during the fishing season. If those options are approved through the Addendum, the Board may reconsider the previously established 2020 specifications.

Presentations

- Overview of 2020 Area 1A Specifications by K. Rootes-Murdy

Board actions for consideration at this meeting

- Adjust the 2020 Area 1A Specifications

5. Other Business (10:20- 10:25 a.m.)

6. Public Comment (10:25-10:30 a.m.)

7. Adjourn

Atlantic Herring Technical Committee Task List

Activity Level: Medium

Committee Overlap Score: Medium

Committee Task List

While there are no Board tasks for the TC at present, there are several annual activities in which TC members participate, both through the Commission and NEFMC

- Participation on ASMFC PDT (currently working on Draft Addendum III)
- Participation on NEFMC PDT
- Summer/fall collection of spawning samples per the spawning closure protocol
- Annual state compliance reports are due February 1

TC Members

Renee Zobel (NHFG – Chair), Kurt Gottschall (CT DEEP), Dr. Matt Cieri (ME DMR), Micah Dean (MA DMF), Corinne Truesdale (RI DFW), Deirdre Boelke (NEMFC), Jonathan Deroba (NOAA NEFSC), Carrie Nordeen (NOAA)

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
ATLANTIC HERRING MANAGEMENT BOARD**

The Westin Crystal City
Arlington, Virginia
February 4, 2020

These minutes are draft and subject to approval by the Atlantic Herring Board Management Board.
The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Herring Board Management Board Meeting
February 2020

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INDEX OF MOTIONS

1. **Move to approve agenda** by Consent (Page 1).
2. **Move to approve proceedings of October, 2019** by Consent (Page 1).
3. **Move to approve Atlantic Herring Draft Addendum III for public comment as amended today** (Page 6). Motion by Ritchie White; second by Steve Train. Motion carried (Page 6).
4. **Move to approve the following Atlantic herring specifications for 2020 as recommended by the New England Fishery Management Council contingent on the final rule being published by NOAA Fisheries** (Page 8):

Annual Catch Limit (ACL) = 11,571 mt
Domestic Annual Harvest = 11,571 mt
Border Transfer = 100 mt
Area 1A Sub-ACL = 3,344 mt
Area 1B Sub-ACL = 498 mt
Area 2 Sub-ACL = 3,217 mt
Area 3 Sub-ACL = 4,513 mt
Fixed Gear Set-Aside= 30 mt

Motion by Megan Ware; second by Ray Kane. Motion carried (Page 8).
5. **Move to elect Cheri Patterson (NH) as Vice-Chair to the Atlantic Herring Board** (Page 8). Motion by Ritchie White; second by Raymond Kane. Motion carried (Page 8).
6. **Motion to adjourn** by Consent (Page 8).

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ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	Dave Borden, RI (GA)
Steve Train, ME (GA)	Eric Reid, RI, proxy for Sen. Sosnowski (LA)
Sen. David Miramant, ME (LA)	Matt Gates, CT, Administrative proxy
Cheri Patterson, NH (AA)	Bill Hyatt, CT (GA)
G. Ritchie White, NH (GA)	Jim Gilmore, NY (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Joe Cimino, NJ (AA)
Cate O'Keefe, MA, (Chair)	Russ Allen, NJ, proxy for T. Fote (GA)
Raymond Kane, MA (GA)	Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Rep. Sarah Peake, MA (LA)	Terry Stockwell, NEFMC, proxy for T. Nies
Conor McManus, RI	Derek Orner, NMFS

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

Ex-Officio Members

Renee Zobel, Technical Committee Chair

Staff

Robert Beal
Toni Kerns

Kirby Rootes-Murdy
Maya Drzewicki

Guests

Bill Anderson, MD (AA)
Chris Batsavage, NC DMF
Allison Colden, CBF
Jeff Deem, VMRC
Kelly Denit, NMFS
Peter Fallon, Am. Saltwater Guides, ME

Joseph Gordon, PEW Trusts
Zak Greenberg, PEW Trusts
Pam Lyons Gromen, Wild Oceans, FL
Jeff Kaelin, Lund's Fisheries
Chip Lynch, NOAA

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Draft Proceedings of the Atlantic Herring Management Board Meeting
February 2020

The Atlantic Herring Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Tuesday, February 4, 2020, and was called to order at 9:30 a.m. by Chairman Cate O'Keefe.

CALL TO ORDER

CHAIRMAN CATHERINE O'KEEFE: Welcome to the Atlantic Herring Board meeting. My name is Cate O'Keefe; I'm your new Chair. I'm from the Massachusetts Division of Marine Fisheries. You may recall that David Pierce was the Vice-Chair, and I was approved as Vice-Chair in October, which sent me on a meteoric rise to be Chair immediately today.

Please bear with me; this is my first meeting chairing. If I'm doing anything inappropriate or incorrect, I'm sure Kirby will tell me. But if there are any questions also, please let me know.

APPROVAL OF AGENDA

CHAIRMAN O'KEEFE: Let's just jump right in. I don't think we have any announcements for this group today, no. Can we have Board consent on Approval of the Agenda?

No comments, okay. The agenda is approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN O'KEEFE: Board consent on approval of proceedings, the proceedings from the October, 2019 meeting. Are there any corrections or additions to the minutes? Okay seeing none the proceedings are approved. No one has signed up for Public Comment on any items outside of the agenda.

CONSIDER DRAFT ADDENDUM III FOR

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PUBLIC COMMENT

CHAIRMAN O'KEEFE: We're going to move right into our Draft Addendum III. Kirby is going to provide a presentation for us, but before we get going I just want to remind the Board of what the motion that this Board made in October was. That was, *move to initiate an addendum to expand the quota period options in Amendment 3 by adding options which address challenges experienced in low quota scenarios: Frequent starting and stopping of fishing days, small amounts of quota left at the end of the year.*

The Addendum should include, but does not have to be limited to an option which allocates 100 per cent of the Area 1A quota to the months of June through December. The Addendum should also consider expanding the small mesh bottom trawl fleet days-out provisions to all Category C and D permits.

That is what we did in October, and now we're going to consider the options that the PDT has put together, and I'll hand it to Kirby.

REVIEW DRAFT ADDENDUM III OPTIONS

MR. KIRBY ROOTES-MURDY: Thank you, Madam Chair. I've got a presentation for you all to go through Draft Addendum III up on the screen now. It should have an outline. I'll go through the timeline, in terms of the development of this document purpose. I'll give you an overview, and then get into the actual management issues and options, and talk about implementation, and take any questions you guys may have. This Board initiated Draft Addendum III last October. The PDT worked on it from December through January, and today the Board will review this document, and consider whether to approve it for public comment. After today, on the screen I have a tentative timeline of how things could play out.

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Public comment could start next month and go through April. We need 30 days for these Addenda, but it could be longer if you guys feel that that is necessary. For considering final approval of the Addendum, the Board will meet at the spring ASMFC meeting, hear public comment, and take final action.

We are thinking at this point that we would hold the Days Out Meeting to set days out measures during that same meeting week, following this Board's meeting, and it would probably be by conference call. In terms of the purpose of this document, Cate reminded this Board of the motion that was passed in October, and in terms of the statement of the problem, really.

As you all are aware, in 2019 the sub-ACL was significantly reduced in light of the lower recruitment and estimated population size indicated in the 2018 benchmark stock assessment. In response the Board chose a bimonthly quota allocation in combination with days-out measures, to better manage the fishing effort under this extremely low quota.

However, the chosen combination of effort controls and quota allocation in 2019 resulted in short and infrequent windows of harvesting opportunity. Additionally, while the bimonthly quota allocation extended the fishing season, the allocation left very little quota available towards the end of the fishing year, making fishing trips less economical.

Accessing herring later in the season in Area 1A became challenging as there were numerous spawning closures that inhibited access during the late summer and fall, and catch rates have been dropping off in recent years as fish migrate further offshore during this time. The sub-ACL for 2020 and beyond will be lower and the sub-ACL will likely stay at low levels until we see an increase in recruitment.

To avoid continual closures and manage landings more efficiently under these low quota scenarios, new allocations and management tools are needed. That is really the purpose of what this document has set out to try to address. Just as some background, as this Board is very much well aware. The current management tools available for managing the herring fishery in Area 1A primarily consists of quota allocation and effort controls.

These have been in place since 1999. The days-out measures established fixed days out of the fishery to manage the rate of harvest. The term 'day out' was in reference to days when a vessel could not land or fish for herring. The current quota allocations are outlined in Amendment 3, and the current days-out measures are in Addendum I.

In terms of effort controls, the majority of vessels that fish and land Atlantic herring in this area are federally permitted, because the fishery takes place in both state and federal waters, and in turn the permit categories that are primarily looked at, in terms of applying effort controls are limited access permits for all management area, which is Category A, limited access incidental catch permits for 25 metric tons per trip, Category C, and an open access incidental catch permit for 3 metric tons per trip, Category D. Under Addendum I, different landing restrictions can be placed on those permit holders, depending on the permit category. Annually what this Board sets out are harvest specifications, and it begins with the Annual Meeting, where the Board decides how to allocate that sub-ACL for the upcoming fishing season.

Tables 1 and 2 in the document, you can find them on Page 5, outline the seasonal trimester and bimonthly quota allocations that are available to the Board to choose from. For much of the last decade the Board split the Area 1A sub-ACL into trimesters, and during this time

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the majority, about 72 percent of the Area 1A sub-ACL has been allocated during the months of June through September, which is Trimester 2.

These months overlap with the peak season for lobster landings, when herring is the widely used source of bait. Once the allocation has been set the states of Maine, New Hampshire, and Massachusetts set the days out measures prior to the beginning of the fishing season. The following restrictions can be applied by permit category.

Category A permits are subject to landing days, weekly landing limits, and requirements specific to classifying carrier vessels. All three of these provisions can be applied from June 1 through September 30th, and only during October 1 through December 31st can landing days be specified.

For Category C and D permits there are landing day restrictions that can be applied from June 1 through September 30th through the small mesh bottom trawl program. I think it's important to understand that with these quota allocations and effort controls, these were largely developed under a situation where we had a much higher sub-ACL than this Board is currently considering, in terms of managing herring in 2019, and in the coming years.

To further highlight how things are different starting in 2019. In 2017 and 2018, landings days and weekly landing limits increased throughout the trimester, to maximize harvest opportunities, with the fishery open from June 1 through September 30th with no closures. These management changes were made in response to landings being much lower than the quota period allocation during the beginning of the fishing season.

In 2019 the fishery did not begin until July 15. The states moved to set zero landing days from

August 18 through September 1, and landing restrictions were maintained throughout the allocation period to restrict fishing effort under the low quota. This figures really demonstrates how radically different landings were in 2019 relative to some of the recent years.

As I was talking about before in terms of permits that are important for managing herring in Area 1A, limited entry was implemented through Amendment 1 to the federal herring FMP, and as mentioned Category A, C, and D make up the majority of landings in Area 1A. Additionally, there are categories B and E.

Not all vessels with herring permits are active in the herring fishery though. For example, there were between 50 and 60 vessels with a Category A permit from 2014 through 2018, but only 50 to 60 percent of those were active. When we're saying active, they landed at least one pound of herring. Although there have been far fewer active limited access, versus open access vessels in recent years, the limited access vessels Category A, B, and C account for over 98 percent of annual herring landings during that time period.

When thinking about the quota allocation and effort controls, in terms of managing herring and allowing enough bait to get to the lobster fishery. The PDT felt that it was important to consider the menhaden fishery. Recent quota reductions for herring have increased the importance of menhaden as a bait source.

Concurrently harvest of menhaden in the Gulf of Maine has increased, and this increase has helped supplement the shortage left by the reduced herring quota during the summer months. Since 2017 menhaden landings in the Gulf of Maine primarily occur in summer months, so June, July, and August, with the majority of those landings occurring in July, specifically the third week of July.

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This chart here shows you how over the last three years, even in spite of the lower quota, they have generally tracked with that time period in which landings greatly increase for menhaden. If the Gulf of Maine menhaden fishery continues to be productive, maintaining an offset for the herring fishery might help mitigate the shortage in the available lobster bait, while providing increased fishing opportunity for vessels that are targeting both species.

That concludes the background I was going to provide. I'm going to move into the management issues and the options next. The first issue section is the quota allocation. Option 1, status quo, this is pretty self-explanatory. There are no changes if this option were to be selected. The Board would still be able to choose from the allocations that are available in Tables 1 and 2 that are listed in the document annually. Option 2 in this section outlines an alternate seasonal allocation.

Under this option, if the Board moves to allocate 0 percent of the annual sub-ACL prior to June 1, the Board can choose to allocate 100 percent of the Area 1A sub-ACL from June 1 through December 31st. This option is intended to give managers the ability to allocate all of the quota at once. It is important to note that under this allocation in the low quota years, certain gear types may not have access to the resource later on in the fishing season.

For example, midwater trawl vessels are prohibited from fishing prior to October 1. Depending on the days-out measures implemented, these vessels may not have access to the resource if the quota is caught before October 1st. The next option in this section is Option 3, which proposes an alternate trimester allocation. This option puts forward an alternate timeframe for the trimester management that considers the need for access by various gear types throughout the year.

Under this option, harvest of herring can be concentrated during the peak availability of the resource during the fishing season, matching well with the bait demand prior to the onset of the spawning closures. Unused quota under this option would be rolled into the subsequent trimester in the same year. As you can see on the screen, during that period of June 1 through August 31st 80 percent of the quota would be allocated then, 20 percent would be allocated September 1st through December 31st. It is also important to note in this section that if the Board approves this document it goes out for public comment, and we come back in May. The Board can choose to approve both Options 2 and 3, to be included and considered moving forward as options in the suite of available choices annually to choose from.

That concludes that section. I'm moving on to 3.2 the days-out provisions. There are just two options in this section. Option 1 status quo. This is pretty straightforward. Only Category A permits would be subject to the landing days and weekly landing limits that is currently in place, and again those restrictions can be applied from June 1 through September 30th. Option 2 puts forward that the days out measures that apply to Category A permits could also apply to Category C permits.

All vessels with a Category C permit would be subject to those same measures, which are landing days and weekly landings limits. This option is intended to implement the same measures for both permit categories, which would account for 99.9 percent of vessels responsible for herring landings in recent years.

If approved by the Board, the states of Maine, New Hampshire, and Massachusetts would be able to specify the same landing restrictions during the days-out specification process later on this year in May. The last section I'm going to go through today is the weekly landing limit. There are three options here.

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Option 1, status quo means that the weekly landing limits for Category A would remain in place, and they would still only apply from June 1 through September 30th. Option 2 is similar to status quo, but the difference here is that there would no longer be a requirement to declare into the fishery.

Currently, the way we are accounting for fishing effort, and trying to project out annually how many boats are going to be in the fishery. Those vessels with these category permits are supposed to notify the states beforehand. This option is intended to eliminate what has been deemed an administrative process that hasn't aided in developing estimate of fishing effort in the coming year.

Next Option 3, under this option weekly landing limits would apply for all vessels throughout all quota periods. The weekly landing limits may be specified through the entirety of all quota allocation periods that is bimonthly, trimester, and seasonal. Vessels landing in Maine, New Hampshire, and Massachusetts are subject to the same weekly landing limit under this option, regardless of port and state.

Similar to Option 2, this option is intended to implement the same days-out measures for 99.9 percent of vessels responsible for herring landings in recent year. Also similar to Option 2, it would do away with the notification requirement, with the exception of those requirements that are outlined under the small mesh bottom trawl program.

That concludes the options that are in this document. In terms of implementation, as I mentioned before, after the public comment period if the Board approves this document in May, the options would be available for implementing this fishing season in 2020. The days-out meeting would be held by conference call, likely during that spring meeting, and because the Board already voted on the

allocation at the annual meeting that can be changed. It would just need a two-thirds majority, because that was final action. With that I will take any questions.

CHAIRMAN O'KEEFE: Are there any questions from the Board? Yes, Megan.

MS. MEGAN WARE: Kirby, I had a question. I think it is Section 3.2, Option 2 about the days out for Category A and C vessels. I just wanted to confirm that the Category C, small mesh bottom trawl is under the small mesh bottom trawl days out. I think that is in what is written as the regulatory language, but I don't see that in the description of the option, so I am just trying to confirm that.

MR. ROOTES-MURDY: One more time, Section 3.2 Option 2 you're asking about?

MS. WARE: Yes. I'm asking how does this interact with the small mesh bottom trawl days-out? If you're a Category C with a small mesh bottom trawl, you're under the small mesh bottom trawl days out. Is that correct?

MR. ROOTES-MURDY: Yes, that is correct.

MS. WARE: Okay. Maybe it might just be helpful to add that in Option 2, the language describing it, because it says right now all vessels with a Category C permit, so I could see that causing some confusion. That might just help. Then if it's okay also to comment on the background section, for Section 2.2.3 it talks about the menhaden and herring fishery, kind of in concurrence.

There is kind of a suggestion that maybe the two fisheries should not overlap or there be minimal overlap. I just want to caution how far we take that conjecture, because the gain in menhaden is not equal to the loss of herring. The loss of herring is much higher. I think it

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might be helpful to say that in the document, or just kind of have caution with that conjecture.

MR. ROOTES-MURDY: Based on that feedback for the background section, maybe it might be helpful if offline you can work with me to make sure we get that language perfected.

CHAIRMAN O'KEEFE: Are there any other questions on Kirby's presentation, or the options that are in the document, just questions for now? Okay seeing none, I'm going to ask Terry Stockwell, who is our appointed representative from the New England Fishery Management Council to provide some of the input that that council had from their meeting last week. Terry.

MR. TERRY STOCKWELL: Yes, thank you, Madam Chair. I have some general comments on the draft Addendum. I certainly understand the Commission's interest to add some new measures to the toolbox, in order to enable more efficient use of the herring resource under the current low quotas. As a past Section, now Board member, I well remember the many meetings we had trying to balance out the best way to harvest the available quota with the needs of both the fishing industry and the bait market demand. However, the Council is adamantly opposed to any new tools that exclude some segments of the fishery from the resource, and do not allow for fair and equitable access by gear type; specifically the opposed measures in 3.1 are inconsistent with the federal FMP, and the standards that the Council is required to follow. The Council further comments that reallocation should not be a purpose or result of this action, and notes that the resource in Area 1A has been allocated and/or divided by seasons for many years.

The proposed options change that allocation decision by potentially taking fish from one sector and awarding it to another. In anticipation that this draft Addendum will be a

approved for public comment, the Council requests that a public hearing be scheduled concurrent with a scheduled Council or Herring Committee meeting. Deirdre Boelke, the Council's Herring FMP lead is standing by to work with you, Kirby, to hopefully make that happen.

CHAIRMAN O'KEEFE: With that we can open it to Board discussion. If there are motions on any of the specific options in the document to remove, tweak, change, add anything, we can do that at this point. We could also take the entire addendum as a whole and vote to either approve or disapprove going out to public comment, Ritchie.

MR. G. RITCHIE WHITE: I would move to vote in favor of sending this to the public, the entire document.

CHAIRMAN O'KEEFE: Is there a second? Steve Train. Is there any discussion or comments on the motion? It will just take a minute while the motion is being put up, Ritchie.

MR. WHITE: To clarify, the edits that were discussed about the document, I would assume those would be included. It is assumed those were included in my motion.

CHAIRMAN O'KEEFE: Is there any further discussion on the motion? Are there any objections to the motion? Terry, so we can vote on the motion. All in favor, opposed, any abstentions? That motion carries 8-1-0. From there we'll ask some questions about moving forward with this Addendum, in terms of public comment meetings and timeline as Kirby had outlined, Ritchie.

MR. WHITE: I would just like to comment on Terry's and the Council's proposal. I think our public input process is thorough and extensive. We certainly don't exclude anyone or any entity, and I think the Council also provides us

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input through Terry at this table, as well as my representation at the Commission on the Advisory Panel. I guess I don't see the need for a separate public forum with the Council, where the Council is more than welcome to attend the various public meetings that we have. I guess that would be my take.

CHAIRMAN O'KEEFE: I am going to ask what states want to hold public meetings on this Addendum, and of those states that want to hold meetings if you require assistance from ASMFC staff. You don't have to answer today, you can think about it a little bit, but that is a question that Kirby will need to know, and Toni will need to know in terms of scheduling. Do any of the states know now that they want to hold a public meeting on this? Maine. Okay that's good for now. The comment period will be a default of 30 days, unless we want to extend it for longer up to 60 or 90 days. Eric.

MR. ERIC REID: I respectfully disagree with Ritchie White. The New England Council is an active management partner with us in this. If they are requesting a meeting in conjunction with one of their committee meetings, I think that April Council meeting is in Mystic, Connecticut. That may not be the best place to have a public hearing, but I think we should grant the management partner their request. That is my position.

CHAIRMAN O'KEEFE: As I understood Terry's comments it is a formal request from the Council to the Commission about potentially coordinating a public meeting. Is that correct, Terry?

MR. STOCKWELL: That is correct.

CHAIRMAN O'KEEFE: Just to help answer your question, Eric, in terms of that it is a formal request.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Madam Chair, is it okay if I ask Terry a question through you?

CHAIRMAN O'KEEFE: Yes.

EXECUTIVE DIRECTOR BEAL: Terry, are there any Herring Committee meetings scheduled for the New England Council prior to the April Council meeting?

MR. STOCKWELL: Stand by a minute, Bob; I'll look it up for you.

CHAIRMAN O'KEEFE: Yes there is a Herring Advisory Panel Committee meeting on March 3rd. No further comments on the Addendum we'll move forward. We're going to talk about, right?

MR. RAYMOND W. KANE: Taking this up at the AP Committee meeting on March 3rd, what is the timeline? Are we going to be able to get this out for this coming fishing season?

CHAIRMAN O'KEEFE: To Kirby.

MR. ROOTES-MURDY: As I mentioned before, if the Board approves this at the May meeting it would be for an implementation immediately, so the Board could use these options for the 2020 fishing season.

**SETTING THE SUB-ANNUAL CATCH LIMIT
SPECIFICATIONS FOR THE 2020 FISHING YEAR**

CHAIRMAN O'KEEFE: We're moving on to take action on Setting the Sub-Annual Catch Limit Specifications for the 2020 Fishing Year. I think Kirby is going to give us some background information on this, and then we'll have a motion on whether or not to approve the Sub-ACL specifications.

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MR. ROOTES-MURDY: I've got just a brief presentation. The first slide should look pretty familiar to you guys. I presented this back in October. The Council approved Framework 6 in June; it contains 2019 through 2021 specifications and a newer fishing definition consistent with the 2018 benchmark stock assessment. Last week NOAA released the Proposed Rule that is out for public comment now, and it contains those new specifications. Just a reminder, the Proposed Rule includes a lower catch limit for the Area 1A Sub-ACL. For 2020 and 2021, 3,344 metric tons, and that is based on the Control Rule proposed in Amendment 8. In terms of how this plays out for 2020, it is about a 23 percent decrease in the Sub-ACL from 2019. Up on the screen I've got here the 2020 and 2021 specifications.

As you can see there are two different overfishing limits in 2020 and 2021, after that though the ABC down is consistent for both years. The ABC is set that is the Acceptable Biological Catch at 16,131 metric tons. The ACL with the management uncertainty buffer removed is 11,571 metric tons, and then specific for Area 1A the Sub-ACL is 28.9 percent of that at 3,344 metric tons.

It is important to note some of the other things, in terms of the fixed gear set-aside set at 30 metric tons, and the research set-aside is up to 3 percent of each Sub-ACL. Today for the Board's consideration is to approve the 2020, 2021 specifications as recommended by the Council, and outlined in the Proposed Rule by NOAA Fisheries. I will take any questions.

CHAIRMAN O'KEEFE: Are there any questions for Kirby on his presentation? Okay we will be looking for a motion. Megan Ware.

MS. WARE: I will make the motion. I think staff has this. Move to approve the following Atlantic Herring Specifications for 2020, as recommended by the New England Fishery

Management Council, contingent on the Final Rule being published by NOAA Fisheries. The ACL 11,571 metric tons, Domestic Annual Harvest 11,571 metric tons, Border Transfer 100 metric tons, Area 1A Sub-ACL 3,344 metric tons, Area 1B Sub-ACL 498 metric tons, Area 2 Sub-ACL 3,217 metric tons, Area 3 Sub-ACL 4,513 metric tons, and Fixed Gear Set-Aside 30 metric tons.

CHAIRMAN O'KEEFE: Seconded by Ray Kane. Is there any discussion on the motion, any objections to the motion, Ritchie, question?

MR. WHITE: Was the intent of this '20 and '21, or just '20?

CHAIRMAN O'KEEFE: Maker of the motion, Megan.

MS. WARE: I'm just making the motion for 2020. There is a stock assessment ongoing right now for herring, and the Council will be looking at 2021 specifications this fall. At this point I was just approving 2020.

CHAIRMAN O'KEEFE: Are there any other questions or discussion, any objections? Is there any public comment on this motion? Okay, with no objection that motion passes by consensus.

ELECTION OF VICE-CHAIR

Okay, on to our final agenda item. We will need to elect a Vice-Chair of this Board. I would be looking for any motion to nominate a member to be Vice-Chair. Ritchie White.

MR. WHITE: It is my great honor to recommend, and pleasure, thank you Dennis, to recommend Cheri Patterson.

CHAIRMAN O'KEEFE: A nomination for Cheri Patterson as the Vice-Chair, seconded by Ray Kane. Are there any questions or discussion on this motion, any objections? Great, this

These minutes are draft and subject to approval by the Atlantic Herring Management Board.
The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Herring Management Board Meeting
February 2020

motion passes by consensus. Congratulations,
Cheri!

ADJOURNMENT

CHAIRMAN O'KEEFE: Is there any other
business for the Atlantic Herring Board today?
Well with that I will thank you very much for
being patient with my first time, and I would
take a motion to adjourn. Cheri and we are
adjourned. Thank you.

(Whereupon the meeting adjourned at
10:05 a.m. on February 4, 2020)

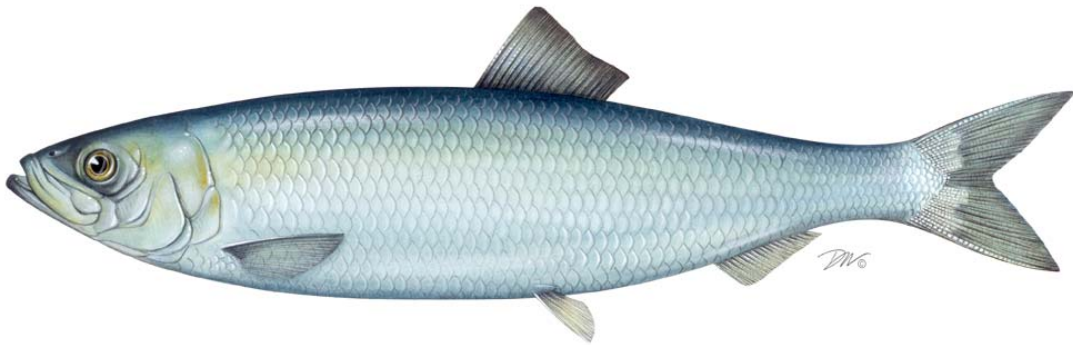
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These minutes are draft and subject to approval by the Atlantic Herring Management Board.
The Board will review the minutes during its next meeting.

Atlantic States Marine Fisheries Commission

DRAFT ADDENDUM III TO THE INTERSTATE FISHERY MANAGEMENT PLAN FOR ATLANTIC HERRING FOR BOARD REVIEW

Proposed Revisions to Days Out Program and Quota Management



February 2020



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Draft Addendum For Board Review

In February 2020, the Atlantic States Marine Fisheries Commission's (Commission) Atlantic Herring Management Board initiated the development of an addendum to Amendment 3 of the Interstate Fishery Management Plan (FMP) to provide more tools for managing the Area 1A (inshore Gulf of Maine) fishery under low quotas. This Draft Addendum presents background on the Commission's management of Atlantic herring, the addendum process and timeline, and a statement of the problem.

Commission's Process and Timeline

October 2019	Atlantic Herring Board Tasks Staff to Develop Draft Addendum III
November 2019 – January 2020	Staff Develops Draft Addendum III for Public Comment
February 2020	Atlantic Herring Board Reviews Draft Addendum III and Considers Its Approval for Public Comment
February– March 2020	Board Solicits Public Comment and States Conduct Public Hearings
May 2020	Board Reviews Public Comment, Selects Management Options and Considers Final Approval of Addendum III
TBD	Provisions of Addendum III are Implemented

Draft Addendum III for Board Review

1. INTRODUCTION

The Atlantic States Marine Fisheries Commission (ASMFC) is responsible for managing Atlantic herring (*Clupea harengus*), under the authority of the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA). The U.S. Atlantic herring fishery is currently managed as a single stock through complementary fishery management plans (FMPs) by ASMFC and the New England Fishery Management Council (NEFMC). ASMFC has coordinated interstate management of Atlantic herring in state waters (0-3 miles) since 1993. Management authority in the exclusive economic zone (EEZ, 3-200 miles from shore) lies with the NEFMC and NOAA Fisheries.

The stockwide annual catch limit (ACL) is divided amongst four distinct management areas: inshore Gulf of Maine (Area 1A), offshore Gulf of Maine (Area 1B), Southern New England/Mid-Atlantic (Area 2), and Georges Bank (Area 3). The Area 1A fishery is managed by ASMFC's Atlantic Herring Management Board (Board), which includes representatives from Maine to New Jersey and federal partners.

At its 2019 Annual meeting, the Board approved the following motion:

“Move to initiate an addendum to expand the quota period options in Amendment 3 by adding options which address challenges experienced in low quota scenarios (frequent starting and stopping of fishing days, small amounts of quota left at the end of the year). The addendum should include, but does not have to be limited to, an option which allocates 100% of the Area 1A quota to the months of June-December. The addendum should also consider expanding the Small Mesh Bottom Trawl Fleet Days Out provision to all Category C and D permits.”

This draft document proposes new quota management options and the expansion of permit provisions as part of the days out program to maximize landings value and provide greater flexibility in managing the herring fishery under low quota scenarios.

2. OVERVIEW

2.1 Statement of the Problem

Historically, the sub-ACL in Area 1A has been divided seasonally, as well as by trimesters, to meet the needs of the high volume herring fishery and the bait market. In recent years, the Board has implemented measures to distribute the quota throughout the entirety of Trimester 2 (June through September) using a combination of management tools including the days out program. For the 2019 fishing year, the sub-ACL was significantly reduced in light of lower recruitment and estimated population size as indicated in the 2018 benchmark stock assessment (NEFMC 2018). In response, the Board chose a bi-monthly quota allocation in combination with days out measures to better manage fishing effort under the extremely low quota.

Draft Addendum III for Board Review

However, the chosen combination of effort controls and quota allocation in 2019 resulted in short and infrequent windows of harvesting opportunity. Additionally, while the bi-monthly quota allocation extended the fishing season, the allocation left very little quota available towards the end of the fishing year making fishing trips less economical. Accessing herring later in the season in Area 1A can be challenging as there are numerous spawning closures that inhibit access during late summer and fall, and catch rates have dropped in recent years as fish seem to be migrating farther offshore and out of Area 1A.

The sub-ACL for 2020 will be lower than 2019 and the sub-ACL in future years is anticipated to remain lower than historical quota levels given recent poor recruitment. To avoid continual closures and manage landings more efficiently under low quota scenarios, new allocations and management tools are needed. The days out program is used to meet the needs of the herring fishery as well as bait market demand; however, under the anticipated low quotas in the near term, additional flexibility is needed to enable efficient use of the herring resource in Area 1A to minimize economic impacts on the herring fishery overall.

2.2 Background

2.2.1 Area 1A Effort Controls

The Area 1A Atlantic herring fishery has been primarily managed using effort controls such as days out measures since 1999 via Amendment 1. The days out measures establish fixed days out of the fishery to manage the rate of harvest; the term ‘day out’ was in reference to days when a vessel could not fish for or land herring. Since Amendment 1, the days out measures and allocation of quota have been adjusted through a number of addenda and amendments, with the current quota allocations outlined in Amendment 3 (2016; revised 2018) and current days out measures outlined in Addendum I to Amendment 3 (2017).

Effort controls are applied to vessels fishing in Area 1A by permit category. The majority of vessels that fish and land Atlantic herring from Area 1A are federally-permitted because the fishery occurs in both state and federal waters. Vessels fishing in Area 1A are primarily composed of three federal permit categories: 1) limited access permit for all management areas (Category A); 2) limited access incidental catch permit for 25 mt per trip (Category C); 3) an open access incidental catch permit for 3 mt per trip (Category D). Under Addendum I, different landing restrictions can be placed on those permit holders depending on the permit category. The following annual process occurs for setting harvest specifications:

- Each year, the Board decides how to allocate the Area 1A sub-ACL at the ASMFC Annual Meeting for the upcoming fishing year. Tables 1 and 2 outline the seasonal, trimester, and bimonthly quota allocation options. From 2009-2018, the Board split the Area 1A sub-ACL into trimesters. During this time the majority (72.8%) of the Area 1A sub-ACL has been allocated during the months of June through September (Trimester 2). These months largely overlap with the peak season for lobster landings, where herring is a widely used bait type.

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Table 1. Bimonthly quota percent allocations from Amendment 3. Percentages were calculated using vessel trip reports from 2000-2007

Bi-Monthly Quotas								
January – December			No Landings Prior to June 1 (with June as a one-month period)			No Landings Prior to June 1 (with December as a one-month period)		
Period	Months	%	Period	Months	%	Period	Months	%
1	Jan/Feb	1.5%	1	June	16.4%	1	June/July	36.8%
2	Mar/Apr	2.3%	2	July/Aug	40.1%	2	Aug/Sep	36.0%
3	May/June	24.0%	3	Sep/Oct	34.0%	3	Oct/Nov	27.1%
4	July/Aug	34.6%	4	Nov/Dec	9.5%	4	Dec	0.2%
5	Sep/Oct	29.4%						
6	Nov/Dec	8.2%						

Table 2. Trimester and seasonal quota percent allocations from Amendment 3. Percentages were calculated using vessel trip reports from 2000-2007

Trimesters			Seasonal Quotas					
January – December			January - December			No Landings Prior to June 1		
Trimester	Months	%	Season	Months	%	Season	Season	%
1	Jan - May	13.7%	1	Jan - Sep	76.5%	1	Jun - Sep	72.8%
2	Jun - Sept	62.8%	2	Oct - Dec	23.5%	2	Oct - Dec	27.2%
3	Oct - Dec	23.5%						

- Once the quota allocation has been established, the states of Maine, New Hampshire, and Massachusetts set the days out measures prior to the start of the fishing year. The following restrictions can be applied by permit category¹:
 - Category A permits can be subject to landing days, weekly landings limits, and requirements specific to classifying carrier vessels. All three of these provisions can be applied from June 1-September 30; from October 1-December 31, only landings days can be specified by the states.
 - For Category C and D permits, landing day restrictions can be applied only from June 1-September 30².
- Once 92% of the sub-ACL is projected to be harvested, the fishery moves to zero landing days. Once NOAA Fisheries determines that 95% of the stock-wide ACL is projected to

¹ The states are able to apply more restrictive measures by federal permit category as part of state permit requirements.

² Landing day restrictions can only be applied to Category C and D permits through the Small Mesh Bottom Trawl Fleet Days Out Program in Addendum I to Amendment 3 if the vessel meets the following criteria: 1) hold a Category C Limited Access or Category D Open Access Permit and 2) use small mesh bottom trawl gear to harvest herring. To opt into this program, eligible harvesters must submit a small mesh bottom trawl gear declaration to notify the states of their intent to fish in Area 1A by June 1.

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be harvested, the fishery closes. In both scenarios, a 2,000 pound bycatch allowance will continue when the directed fishery is closed.

Throughout the fishing season, managers make changes in-season to increase or decrease the landing days based on the amount of seasonal quota available. Table 3 shows the landing days and weekly landing limits implemented during Trimester 2 of the Area 1A fishery in recent years. In 2017 and 2018, landing days and the weekly landing limit increased throughout the trimester to maximize harvest opportunities to meet bait demand with the fishery open from June 1-September 30 with no closure. These management changes were made in response to landings being much lower than the quota period allocation during the beginning of the fishing season (Figure 1). In 2019, the fishery did not begin until July 15, moved to zero landing days from August 18-September 1, and landing restrictions were maintained throughout the allocation periods to restrict fishing effort under the low quota. Under the lower quota level in 2019, landings tracked much closer with the quota period allocation throughout the entire fishing season (Figure 1), which was primarily a result of the significantly reduced quota (Figure 2).

Table 3. Landing days and weekly landings limits for Atlantic herring in Trimester 2 (2017-2019)

Year	Trimester 2 (Jun - Sept)	Landing Days	Category A Permit Weekly Landing Limits (lbs)	Comments
2017	June 1 - July 1	3	400,000	first season under Addendum I to Amendment 3; 4 in-season changes
2017	July 2 - 29 (<i>reactionary</i>)	4	600,000	
2017	July 30 - Sept 16 (<i>reactionary</i>)	5	680,000	
2017	Sept 17 - 30 (<i>reactionary</i>)	7	1,000,000	
2018	June 1 - July 21	4	480,000	Sub-ACL adjusted mid-season
2018	July 22-Sept 30 (<i>reactionary</i>)	5	640,000	
2019*	July 15- August 17	4	160,000	Bimonthly Quota Periods used
2019*^	August 18 – 31	0	0	
2019*	Sept 1-15	4	160,000	

*Bi-monthly quota periods were implemented for 2019

^Fishery moved to zero landing days on August 18

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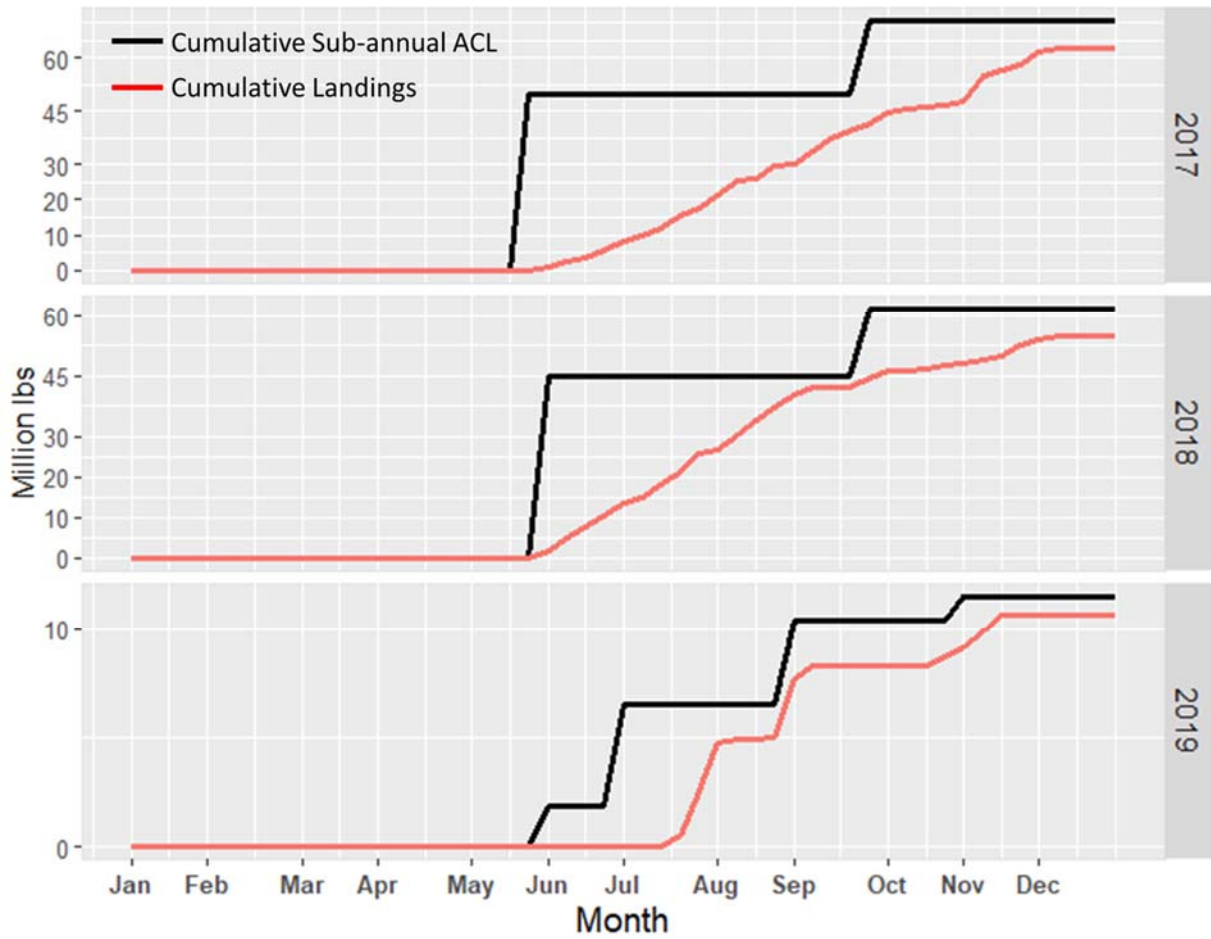


Figure 1. Atlantic herring landings relative to quota by month (2017-2019)

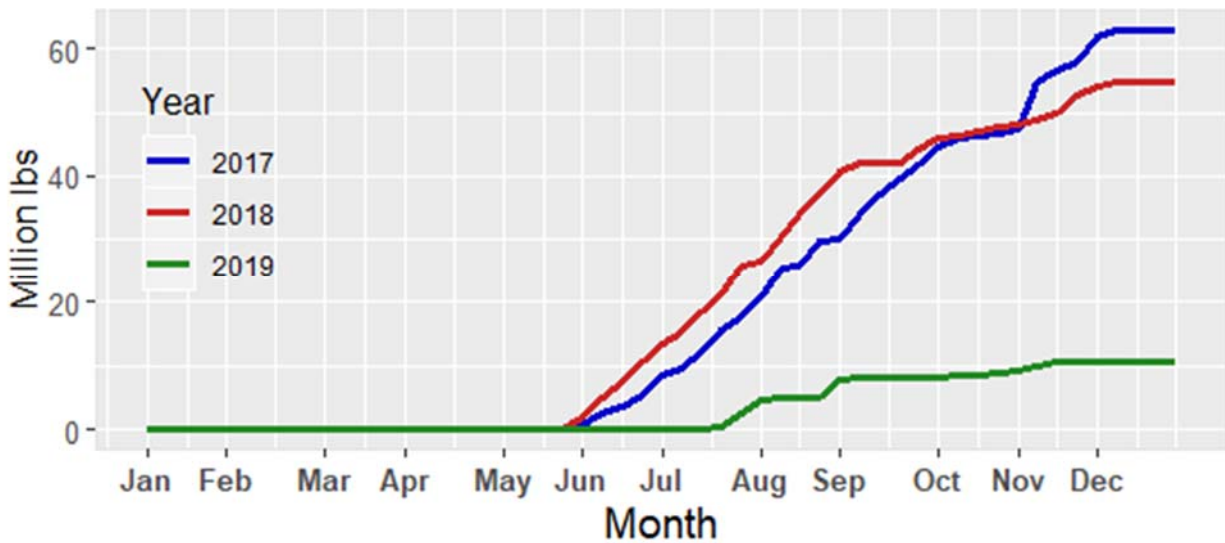


Figure 2. Atlantic herring landings by month (2017-2019)

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2.2.2 Federal Permit Information

Limited entry was implemented via Amendment 1 to the Federal Atlantic Herring FMP for the directed Atlantic herring fishery. As mentioned previously, three permit categories (A, C, and D) make up the majority of landings in Area 1A. There is an additional limited access permit (Category B) and one open access permit (Category E) (Table 4). The vessels that have not been issued a limited access herring permit, but have been issued a limited access mackerel permit, are eligible for a Category E permit. Not all vessels with herring permits are active in the herring fishery. Table 5 summarizes the number of vessels in each permit category with the percentage of vessels active within that category is presented in parentheses. For example, there were 50-60 vessels with Category A permits from 2014-2018, but only 50-60% of those were active (landed at least one pound of Atlantic herring). Although there have been far fewer active limited access versus open access vessels, the limited access vessels (Category A, B, and C permits) account for over 98% of annual Atlantic herring landings for 2014-2018 (Table 6).

Table 4. Atlantic herring federal permit categories

	Category	Description
Limited Access	A	Limited access in all management areas.
	B	Limited access in Areas 2 and 3 only.
	C	Limited access in all management areas, with a 25 mt (55,000 lb) Atlantic herring catch limit per trip and one landing per calendar day.
Open Access	D	Open access in all management areas, with a 3 mt (6,600 lb) Atlantic herring catch limit per trip and one landing per calendar day.
	E	Open access in Areas 2 and 3 only, with a 9 mt (20,000 lb) Atlantic herring catch limit per trip and landing per calendar day.

Table 5. Fishing vessels with Atlantic herring federal permits

		Permit Year (May-April)				
Permit Category		2014	2015	2016	2017	2018
Limited Access	A	40 (62.5%)	42 (50%)	39 (56.4%)	39 (56.4%)	38 (57.9%)
	BC	4*	4*	4*	4 (75%)	3*
	C	42 (23.8%)	41 (26.8%)	41 (24.4%)	41 (34.1%)	41 (26.8%)
Open Access	D	1838 (3.6%)	1762 (3.4%)	1776 (2.9%)	1759 (3.2%)	1747 (2.7%)
	DE	52 (9.6%)	54 (5.6%)	53 (5.7%)	54 (7.4%)	49*
	E	1*	1*	1*	1*	1*
Total		1977 (5.5%)	1904 (5.1%)	1914 (4.6%)	1898 (5.3%)	1879 (4.5%)

Source: GARFO Permit database and DMIS as of December 2019. () = Percent of vessels in the category that are active.

*Confidential vessel activity data

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Table 6. Atlantic herring landings by federal permit category, permit year 2014-2018

Permit Group	Landings (mt)	% of total landings
A and BC	54,918.9	98.69%
C	681.5	1.22%
D, DE, and E	49.0	0.09%
No Federal Herring Permit	0.2	0.00%

Source: GARFO DMIS and Permits database as of 2019-12-09. *Includes RSA trips

2.2.3 Menhaden Fishery & Bait Demand

Recent quota reductions for Atlantic herring have increased the importance of other sources of bait for the American lobster fishery in the Gulf of Maine (GOM). Concurrently, harvest of menhaden in the GOM has increased (Figure 3). This increase has helped supplement the shortage left by the reduced Atlantic herring quota during summer months. **Please note:** the reduction in herring landings from 2018 to 2019 is significantly more than the increase in menhaden landings. As a result, the increase in menhaden landings is unlikely to fully offset the loss in available herring quota.

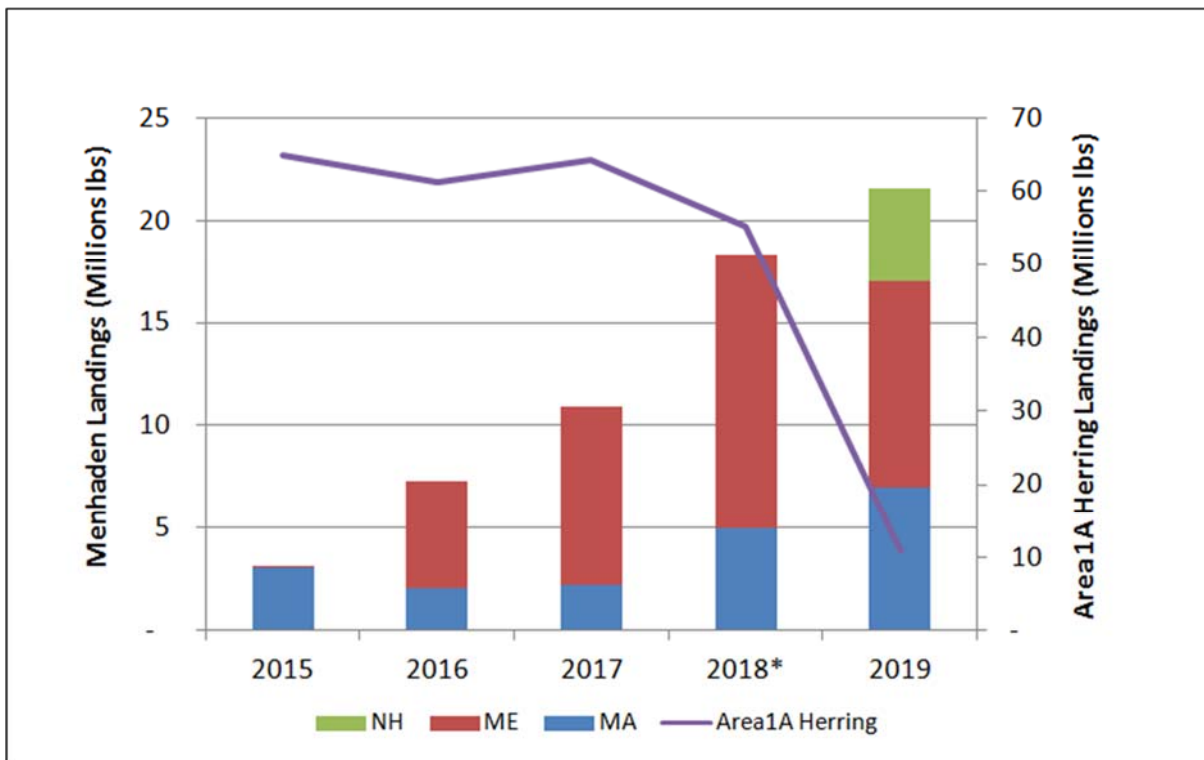


Figure 3. Annual menhaden landings by state and Area 1A herring landings

Source: ACCSP Data Warehouse and NOAA VTR Data

NOTE: 2019 data is preliminary and values are subject to change. Confidential data is omitted for some 2018 landings

The efficiency of harvesting, storing, and maintaining availability of lobster bait to GOM lobster harvesters has been discussed by managers in recent years. One such discussion for the 2019

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fishing season included managing the timing of the Area 1A herring landings such that they did not directly overlap with large volumes of menhaden landings. Annual menhaden abundance in the GOM (the northern range of the species) is not guaranteed, and a prolonged season cannot be presumed. However, if high catches of menhaden continue, utilizing the flexibility of the Atlantic herring FMP could ensure high volumes of herring and menhaden are not being landed simultaneously.

Since 2017, menhaden landings in the GOM primarily occur in summer months (June, July, and August) (Figure 4), with the majority of landings occurring in July.

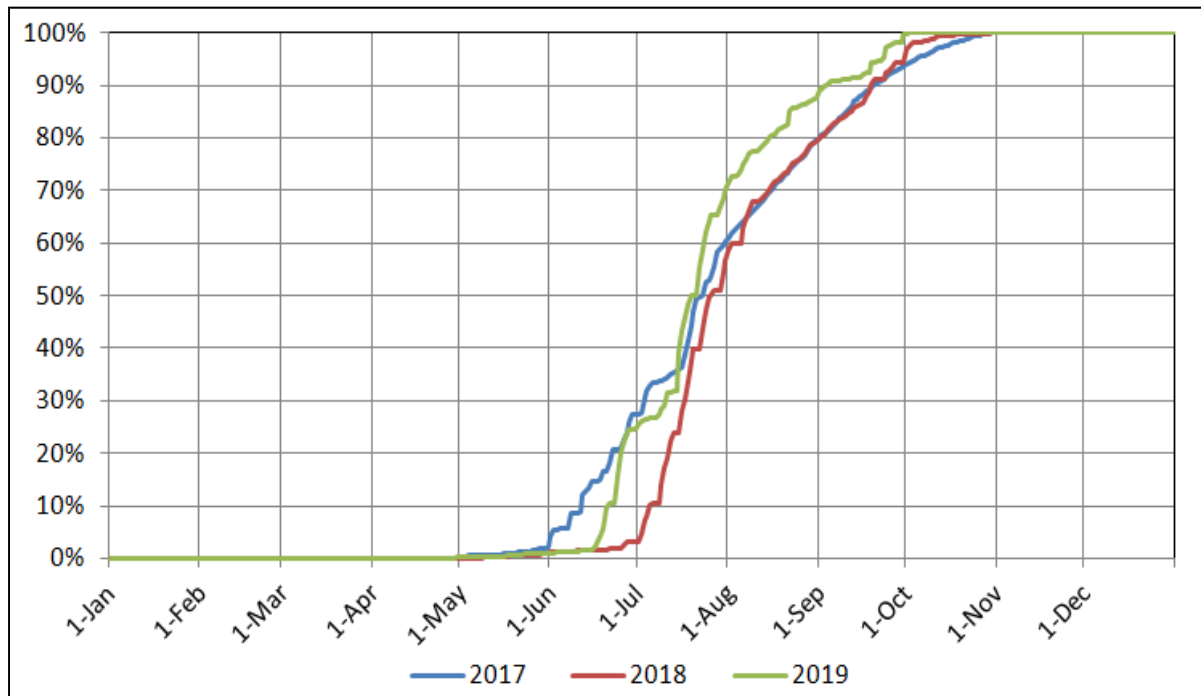


Figure 4. Cumulative Landings of Menhaden over fishing season 2017-2019

Source: ACCSP Data Warehouse, SAFIS and NOAA VTR

Aggregated landings during summer months, when herring are also available for harvest in Area 1A, show the third week of July as the most common week where landings greatly increase. If managers favor delaying the beginning of the Area 1A herring season, the in-season availability and catch rates of menhaden should be considered. If the GOM menhaden fishery continues to be productive and lucrative, maintaining an offset from the herring fishery could help mitigate a shortage in available lobster bait while providing increased fishing opportunity for vessels that target both species.

3. PROPOSED MANAGEMENT PROGRAM

This draft addendum considers modifying the current quota allocations as outlined in *Section 4.2.3.2: Quota Periods* of Amendment 3 and quota management measures outlined in *Sections 3.1 and 3.2* of Addendum I to add additional tools to the suite of options the Board can adopt.

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3.1 Quota Management Options

For all proposed quota allocation options, similar to current management, the fishery will close when 92% of the quota has been projected to be harvested. Additionally, under low quota scenarios, the 1,000 mt transfer from the management uncertainty buffer to the Area 1A sub-ACL³ may not be accessed in some years depending on how quickly the quota is caught and the percent of the sub-ACL remaining. **Please note:** Options 2 and 3 can both be selected for approval with this addendum. If the Board selects either both or only one of these two options, the option(s) will be added to the suite of quota allocation options the Board may annually choose from in setting fishery specifications.

Option 1: Status Quo

Under this option, the quota allocation options as outlined in Section 4.2.3.2 of Amendment 3 would remain unchanged. The Board may annually choose from the quota allocation options outlined in Amendment 3 when setting fishery specifications for the upcoming fishing season including the following:

- Bi-monthly periods
- Trimesters
- Season

In addition to having flexibility to choose between bi-monthly, trimester, or seasonal quotas, quota from the January 1 – May 31 period may be allocated to later in the fishing season in response to conditions in the fishery. The January 1 – May 31 period quota may be distributed to each remaining period proportional to the quota share of the remaining periods. If the bi-monthly periods with no landings before June 1 option is selected, the Board has the option to count June or December as their own periods. See Tables 1 and 2 for specific allocations. Allocations in Tables 1 and 2 were derived from Vessel Trip Reports from 2000-2007 and represent historical fishing effort that was driven by market demand for herring. These allocation percentages are fixed and can only be changed through a subsequent addendum or amendment.

Option 2: Alternate Seasonal Quota Allocation: 0% allocated from January-May, 100% allocated from June 1-December 31

Under this option, if the Board moves to allocate 0% of the quota prior to June 1, the Board may choose to allocate 100% of the Area 1A sub-ACL starting June 1 through December 31. This option is intended to give managers the ability to allocate all of Area 1A quota at once. If the desire is to harvest herring as quickly as possible to maximize efficiency and reduce costs associated with extending the fishing season, this alternative would provide the most flexibility to do that. **Please note:** Under this allocation in low quota years, certain gear types may not have access to the resource later on in the fishing season. For example mid-water trawl vessels

³ If the Canada New Brunswick weir fishery catch through October 1 is less than 4,000 mt, then a 1,000 mt will be subtracted from the management uncertainty buffer and added to the ACL and Area 1A sub-ACL. This determination is made by NOAA annually in late October or November.

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are prohibited from fishing prior to October 1, depending on the days out measures implemented, these vessels may not have access to the resource if the quota is caught before October 1.

Seasons are established as follows:

Season 1: January 1-May 31, 0%

Season 2: June 1-December 31, 100%

Option 3: Alternate Trimester Split

This option puts forward an alternate timeframe for trimester management that considers the need for access by various gear types throughout the year. Under this option, harvest of Atlantic herring can be concentrated during the peak availability of the resource during the fishing season, matching well with bait demand prior to the onset of spawning closures. Unused quota can be rolled into a subsequent trimester in the same year.

Trimesters are established as follows:

Trimester 1: January 1 – May 31; 0%

Trimester 2: June 1 – August 31; 80%

Trimester 3: September 1 – December 31; 20%

3.2 Days Out of the Fishery Permit Provisions

Option 1: Status Quo

Under this option, the permit provisions outlined in *Sections 3.1 and 3.2* of Addendum 1 would remain unchanged. Category A permits can be subject to both landing day restrictions and weekly landing limits during June 1-September 30. Category C and D permits can only be subject to landing day restrictions from June 1-September 30 through the Small Mesh Bottom Trawl Program. Board members from Maine, New Hampshire and Massachusetts will agree upon the days out provisions by permit category based on the number of participants in the fishery and the quota prior to the start of the fishing season.

Option 2: Days Out of the Fishery for Vessels with a Category A or C Limited Access Herring Permit

Under this option, vessels with a Category C permit can be subject to the same days out measures (landing days and weekly landing limits) that currently apply to Category A permits. A Category C permitted vessel would not be required to declare into the small mesh bottom trawl program for these landings restrictions to apply. This option is intended to implement the same days out measures for 99.9% of vessels responsible for herring landings in recent years (Table 6). If approved, Board members from Maine, New Hampshire and Massachusetts would specify the same landing restrictions for Category A and C permitted vessels during the days out specification process. **Please note:** Category C and D permitted vessels which also use small mesh bottom trawl gear could still be subject to landing day restrictions under the small mesh bottom trawl program.

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If approved, *Section 4.2.4.2, Days Out*, in the Atlantic Herring FMP will be replaced with the following:

Days Out of the Fishery for Vessels with a Category A or C Limited Access Herring Permit

Vessels with a Category A or C Limited Access Permit are prohibited from landing or possessing herring caught from Area 1A during a day out of the fishery. Vessels with a Category A or C Limited Access Permit may land once per calendar day on any day that is open to landing (i.e., not a 'day out').

Landing of herring taken from management areas outside of Area 1A will be allowed during days out. During a day out, vessels with a Category A or C Limited Access Permit participating in other fisheries or fishing in an area closed to the directed herring fishery, may land an incidental catch of herring that does not exceed 2,000 pounds per trip. Category A or C vessels transiting a closed area with more than 2,000 pounds of legally caught herring on board must have all seine and trawl gear stowed.

Vessels with a Category D Open Access Herring Permit may land on a day designated as a day out of the fishery, unless restricted by the measures in the '*Small Mesh Bottom Trawl Fleet Days Out*' section. Vessels with a Category C Limited Access Herring Permit who meet the eligibility defined under the '*Small Mesh Bottom Trawl Fleet Days Out*' section are exempt from the measures of this revised Section 4.2.4.2 and restricted to the measures of the '*Small Mesh Bottom Trawl Days Out*' section. In addition, fixed gear fishermen may remove and land herring from the gear (weirs and stop seines) on the days designated as a day out of the fishery.

3.3 Weekly Landing Limit Per Vessel

Option 1: Status Quo

Under this option, weekly landing limits (which currently apply to only Category A permits for June 1-September 30) outlined in *Section 3.5* of Addendum 1 would remain unchanged. Board members from Maine, New Hampshire and Massachusetts will agree upon the weekly landing limit for Category A permitted vessels based on the number of participants in the fishery and the quota prior to the start of the fishing season.

Option 2: Status Quo with No Category A Permit Declaration

Under this option, weekly landing limits (which currently apply to only Category A permits for June 1-September 30) outlined in *Section 3.5* of Addendum 1 would remain unchanged with the exception of the removal of the notification 45 days prior to the start of the fishing season. This option is intended to eliminate an administrative process that has not aided in developing estimates of fishing effort for the upcoming fishing season. Moving forward, estimates of potential participants in the Area 1A fishery will be based on participation and landings from the most recent fishing seasons. During the fishing season, states will continue to agree on changes to the weekly landing limit, as necessary. ASMFC will publish the initial weekly landing limit and adjustments thereafter.

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Option 3: Weekly Harvester Landing Limit for all Vessels throughout all quota periods

Under this option, all vessel permit categories that land herring caught in Area 1A can be subject to a weekly harvester landing limit (pounds). The weekly landing limits may be specified through the entirety of all quota allocation periods (i.e. bimonthly, trimester, seasonal). Vessels landing in Maine, New Hampshire, and Massachusetts are subject to the same weekly landing limit, regardless of port state. Similar to option 2 under Section 3.2, this option is intended to implement the same days out measures for 99.9% of vessels responsible for herring landings in recent years (table 5) and not be restricted to certain times of the year. Additionally, under this option there would be no notification requirement, including the notification 45 days prior to the start of the fishing season for Category A permits, with the exception of requirements outlined under the *Small Mesh Bottom Trawl Fleet Days Out* provision.

4. COMPLIANCE SCHEDULE

If the existing Atlantic herring management plan is revised by approval of this draft addendum, the measures would be effective immediately.

5. LITERATURE CITED

Atlantic States Marine Fisheries Commission (ASMFC). Revised 2018. Amendment 3 to the Interstate Fishery Management Plan for Atlantic Herring. 105p.

Atlantic States Marine Fisheries Commission (ASMFC). 2017. Addendum 1 to Amendment 3 to the Interstate Fishery Management Plan for Atlantic Herring. 19p.

Northeast Fisheries Science Center. 2018. 65th Northeast Regional Stock Assessment Workshop (65th SAW) Assessment Summary Report. Northeast Fisheries Science Center Reference Document 18-08.



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Atlantic Herring Management Board
FROM: Kirby Rootes-Murdy, Senior FMP Coordinator
DATE: April 9, 2020
SUBJECT: Public Comment on Atlantic Herring Draft Addendum III

The following pages represent a summary of all comments received by ASMFC on Atlantic Herring Draft Addendum III as of 5:00 PM (EST) on March 25, 2020 (closing deadline).

A total of 15 comments were received on Draft Addendum III from individuals and organizations. A total of 5 organizations submitted comments on Draft Addendum III. The remaining 10 comments came from individual stakeholders, including commercial fishermen and concerned citizens.

Four public hearings were held in three jurisdictions, and one additional public hearing was conducted by webinar during which no public comment was offered. 20 individuals are estimated to have attended the hearings.

The following tables (pages 2-4) are provided to give the Board an overview of the support for specific options and issues contained in the Draft Addendum. Summaries of the public hearings can be found next and are ordered from North to South. This is then followed by letters sent by organizations and emails received from both organizations and individuals.

M20-40

1

Public Comment Summary Tables

3.1: Quota Management Options			
	Option 1	Option 2	Option 3
	Status Quo	Alternate Season 100% from June 1-December 31	Alternate Trimester Trimester #2 June 1-Aug 31: 80%; Trimester #3 Sept 1-Dec 31: 20%
Individual	1		1
Organization	2	1	
Hearings			
ME			
NH		1*	1*
MA	2		
NEFMC	3	1	
Webinar			
TOTAL	8	3	2

*indicated support for options 2 and 3

Additional Comments:

- A number of organizations (NOAA, Lund’s, and Massachusetts Lobstermen’s Association) expressed concern about the potential that options 2 and 3 could exclude certain gear types and stakeholders from accessing the resource in Area 1A later in the season depending on how the days out measures are specified.
- Two organizations and one individual expressed their strong support for the Board approved quota allocation for the 2020 fishing season established in October 2019; 72.8% allocated from June through September and 27.2% allocated from October through December.

3.2 Days Out of the Fishery Permit Provisions		
	Option 1	Option 2
	Status Quo	Days Out of the Fishery for Vessels with a Category A or C Limit Access Permit
Individual	1	1
Organization	2	1
Hearings		
ME		
NH		1
MA		1
NEFMC		2
Webinar		
TOTAL	3	6

Additional Comments:

- One organization (New England Purse Seine Alliance; NEPSA) indicated their general support for bringing all Category C permits into the days out program without specifying a preference for either option. Reasons cited included the current quotas and the need to have days out measures apply to all permit categories fishing in Area 1A for equitability.
- A number of organizations (NEPSA, Lund’s, and Prowler Fisheries Inc.) indicated their support to establish days out measures that are variable by permit category. All three indicated the need to consider the differences in federal trip limit requirements for Category A and C permits and that days out measures should be crafted specific to each permit to maintain their distinction.

3.3 Weekly Landing Limit Per Vessel			
	Option 1	Option 2	Option 3
	Status Quo	Status Quo w/ No Category A Permit Declaration	Weekly Harvester Landing Limit for all Vessels throughout quota periods
Individual	1	1	
Organization	2		1
Hearings			
ME			
NH			1
MA		2	
NEFMC			
Webinar			
TOTAL	3	3	2

Additional Comments:

One organization (NEPSA) indicated their general support for subjecting Category C permits to a weekly landing limit without specifying a preference for any option.

Additional General Comments:

- NMFS urges the Commission to consider management measures that are consistent with the Federal fishery management plan to avoid potentially adverse impacts to Federal permit holders.
- A number of organizations and one individual highlighted that the Commission currently has enough management tools to effectively manage the Atlantic Herring Fishery in Area 1A and therefore the options in the addendum are not needed.
- Four individuals commented on the need to close the fishery. They cited the importance of herring as a forage species; the declining abundance of the resource over time; and the need to allow herring the opportunity to spawn before fishing occurs. As forage species, a number of the comments linked recent declines in the abundance of Atlantic striped bass and bluefish as indicative of the need to restore the herring population. Specific to spawning, a number of individuals noted the importance of trying to allow spawning to occur prior to harvest and that the Commission should consider the economic and environmental benefits of reducing the harvest of herring to improve spawning opportunities. These comments were not specific to any of the issue items or options in the draft document.

Atlantic Herring Draft Addendum III Public Hearing

Augusta, Maine

March 9, 2020

1 Participant

Additional Staff: Melissa Smith (ME DMR), Megan Ware (ME DMR)

Comment on Draft Addendum:

- One individual supported options which control landings. He expressed concern about options which focus harvest on pre-spawn and spawning fish.

Additional Comments on Spawning:

- The public hearing participant expressed concern about the harvest of spawning herring and the need to protect these fish. He noted that historically, the harvest of sardines in Eastport, Maine occurred in the late fall through spring; seining would stop during spawning to protect eggs beds. Now, regulations allow for more people to harvest herring throughout the year, disrupting the spawning fish. This individual highlighted that if herring beds had continued to be protected, there would be more herring today. He also noted that herring move along the coast so fishermen in Maine as well as those south of Cape Cod may be fishing on the same biomass of herring, perpetuating a decline of the resource. This individual highlighted the need to protect spawning herring and egg beds.

Draft Addendum II Public Hearing

Portsmouth, NH

March 3, 2020

3 Participants

Staff: Kirby Rootes-Murdy (ASMFC), Renee Zobel (NH DFG/TC Chair),

Cheri Patterson (NH DFG Commissioner Proxy/Board Chair)

Issue 1: Quota Management

→ 1 in favor of option 2 and 3

- One individual spoke in favor of approving option 2 and 3 through the addendum to allow the Board more options to manage the low quota. They cited the need to let vessels go out and fish, fill up their coolers early in the season and go from there. If the 2020 allocation were to be changed for what was previously decided, the individual preferred that option 2 be implemented. They indicated that this would be the best approach given the low quota.
- One individual noted that the same management goals could be achieved from implementing either option 2 or 3.
- One individual noted concern that overharvesting in other management areas could potentially hamper or limit quota from being accessed in Area 1A.
- In discussing option 3 further one individual noted they did not believe that the current days out measures could realistically spread the quota out under the second trimester to prevent a period of closure before trimester 3 given the low quota.

Issue 2: Days Out Permit Provisions

→ 1 in favor of option 2

- One individual spoke in favor of option 2 to allow for the potential loophole to be addressed by being able to apply the same days out measures to Category C permits that have not been addressed through the small mesh bottom trawl program.

Issue 3: Weekly Landing Limit

→ 1 in favor option 3

- One individual spoke in favor option 3 because it would expand the potential tools that could be used to manage the fishery.

Additional Comments

-It was noted that there is much less available bait this year in coolers compared to 2019.

-It was noted by one individual that demand for herring will be significant in 2020 and that some vessels may not be able to compete for that resource given the cost.

Draft Addendum III Public Hearing

Gloucester, MA

March 2, 2020

3 Participants

Staff: Kirby Rootes-Murdy (ASMFC) and Brad Schondelmeier (MA DMF)

Issue 1: Quota Management

➔ **2 in favor of option 1: Status Quo; 2 opposed option 2; 3 opposed option 3**

- Two individuals, one speaking on behalf of Massachusetts Lobster Association indicated that no additional quota allocation options should be added to the Commission's Atlantic Herring FMP and that the currently available options in Amendment 3 are sufficient. Additionally one of the individuals indicated that the Board should maintain the 2020 fishing year quota allocation that was approved in October 2019; seasonal allocation with 72.8 percent available from June through September and 27.2 percent allocated from October through December. They indicated that maintaining 27.2 percent allocation starting in October is important to the fishery. Additionally, both individuals spoke against options 2 and 3, highlighting they felt that option 2 could potentially limit some gear types from participating the fishery. One individual noted that option 3 did not make sense.

Issue 2: Days Out Permit Provisions

➔ **1 in favor of option 2**

- One individual spoke in favor of Option 2 to allow Category C permit holders to be subject to the same days out measures (landing days and weekly landing limits) as Category A permit holders. The rationale for supporting this option was that all permit categories should be operating under the same rules.

Issue 3: Weekly Landing Limit

➔ **2 in favor of option 2**

- Two individuals indicated that they were in favor of option 2, status quo with removing the 45 day declaration requirement for Category A, so long as it applied to other permit categories, such as Category C and D.

Additional Comments

One individual noted concern about federal permit holders losing access to the resource based on the Commission's FMP. They indicated that Atlantic Herring is federally managed, that individuals in the fishery have abided by the federal requirements but have been losing access to fish for herring based on management decisions by the ASMFC.

Additionally, one individual indicated that even with a menhaden endorsement from Massachusetts Divisions of Marine Fisheries, they are unable to fish for menhaden due to the trip limit and the state quota. They indicated they need to contract for other boats to fish for menhaden and truck them to

Massachusetts. This item was brought up given the reduction in herring quota and need to offset fishing for herring with menhaden.

One individual indicated that the fishery decisions are being made by primarily from an administrative perspective and is not sufficiently considering the biological needs of the resource, as well the ecological dynamics (food web, predator/prey relationships, etc.)

Draft Addendum III Public Hearing

Wakefield, MA

March 3, 2020

11 Participants

Staff: Kirby Rootes-Murdy (ASMFC)

Issue 1: Quota Management

➔ **3 in favor of option 1: Status Quo and opposed options 2 and 3**

➔ **1 in favor of option 2**

- One individual representing the (Peter Kendall) New England Fishery Management Council indicated that the Council recommend that Option 3 (under Section 3.1) not be considered by the Board and that the Council is opposed to any option that excludes access to the resource by certain gear types as this is inconsistent with the Federal FMP which the Council is required to follow. Additionally, it was highlighted that reallocation shouldn't be the purpose or result of the action. The trimester allocation had been in place for many years and the proposed options change the allocation decision by potentially taking fish from one sector and giving it to another. Speaking as an individual, they also indicated concern with Option 2 as well, citing the same reasoning offered in opposition to Option 3.
- Two individuals expressed support for the NEFMC's comments and spoke against both option 2 and 3 under section 3.1 of the Draft Addendum and in favor of option 1, citing the options problematic in potentially reallocating more fish to the purse seiners. Additionally they spoke in favor of the seasonal allocation the Board approved in October 2019, specifically the 27.2 percent allocation from October 1 through December 31. One of these individuals recommended returning to trimester allocation approach.
- One individual spoke in favor of option 2 highlighting this may be a much better approach to managing a low quota compared to bi-monthly quota periods that were used in 2019.

Issue 2: Days Out Permit Provisions

➔ **2 in favor of option 2**

- Two individuals spoke in favor of Option 2 to allow Category C permit holders to be subject to the same days out measures (landing days and weekly landing limits) as Category A permit holders. The rationale for supporting this option was that as it gives the Board the ability to manage both Category types with the same measures. One of the individuals spoke to the issue posed by the possibility that Category C vessels could be able to land significantly more than Category A vessels.

Issue 3: Weekly Landing Limit

➔ **2 in favor of removing the 45 notification; 1 against option 3**

- Two individuals indicated that they were in favor of removing the 45 day declaration notice for Category A permits but they did not specify which option (2 or 3) they were in favor of.
- One individual indicated that they did not support option 3 as they did not support everyone having the same weekly landing limit as it would move away from the distinction in the permit category types.

- One individual spoke against using trucks as proxy for weekly landing limits, but indicated that all permits should be subject to the same measures- that being said, different permit categories should retain their specific trip limit requirements as those were designed based on social and economic information.

Additional Comments

- One individual asked whether the Commission has ever considered an auction approach to allocate fish during low quota scenarios, and that if not, it should.
- One individual noted concern that the Board will allocate all of the quota prior to October 1, preventing some vessels from participating in the fishery. He indicated that the Commission has enough tools in the toolbox; additional tools would exclude other gear types from access to fish. Quotas are low and no one can stand to lose any more fish. Additionally, they indicated that the Council and Commission had agreed to the allocation after October 1 through Amendment 3. Last, they questioned whether states/Commission can legally allocate fish given Atlantic Herring is also managed by the New England Fishery Management Council.
- One individual indicated that the days out measures are a headache. While it might be worse if the days out program was done away with, it is a challenging approach to managing herring in Area 1A. Also they indicated it's really hard to start and stop fisheries. Additionally this individual indicated that the purse seine fleet only has Area 1A to fish for herring. Purse seiners are not currently making any money in this fishery with the low quotas; there isn't much demand for lobster bait after mid-October; the other gears types have other fisheries they can participate in.
- One individual noted that if the assessment update does not increase the sub-ACLs for 2021, the fishery will experience significant hardship given the low quota and boats ability to make profits on low landings levels.
- One individual noted that a problem with the days out meeting is many in the industry that attend feel that the decision is already made when they come to the meeting. Suggests that there should be a meeting for industry that is deliberative, possibly in February, where people can feel that their opinions are heard.
- One individual speaking for some purse seiners, the 2019 allocation was a disaster, there was an instance where the catch was so low it won't have constituted a 'trip' traditionally, but that given the low quota and days out measures, they had to make multiple trips to land that catch, which increased costs significantly. Doesn't think anyone 'broke even' in the herring fishery in 2019 and the expectations is that they will be operating at a loss this year and next year if the quotas remain low. Speaking on social and economic information the

individual noted that Commission management documents lack information on the impacts of the measures and is problematic given the proposed changes could have big impacts.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

April 3, 2020

Bob Beal
Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington, VA 22201

Dear Bob:

Please accept these comments on draft Addendum III to Amendment 3 to the Interstate Fishery Management Plan (ISFMP) for Atlantic Herring. Complementary federal and state herring management is necessary to effectively manage this resource, particularly in light of the drastically lower herring catch limits. We appreciate recent efforts by both the Atlantic States Marine Fisheries Commission and the New England Fishery Management Council to increase collaboration, including creating a Herring Management Board so that there is formal participation for us and the Council in Commission decision-making. Efforts for increased engagement and coordination should continue. The Herring Board's role in ensuring consistency between the federal plan and the ISFMP is critical to the effectiveness of both plans. This consistency is also necessary to avoid adverse impacts to Federal permit holders resulting from Commission actions.

We are concerned that Addendum III options would disadvantage the Federal midwater trawl fleet. Quota Management (Section 3.1) Options 2 and 3 could result in all or a majority of Area 1A catch being allocated to the summer months. The Federal plan restricts access to midwater trawl vessels to Area 1A each year until after October 1 and, therefore, contemplates an October 1 through December 31 midwater trawl fishery in Area 1A. I understand the Commission's desire to go out for public comment with the full suite of measures to solicit the widest range of opinions, but these options potentially either significantly reduce or even eliminate the ability of midwater trawl vessels to harvest fish from Area 1A. The Board must address these concerns, ensure state and federal management remains consistent to the extent practicable, and minimize impacts to Federal permit holders as final management measures are selected.

Thank you for the opportunity to provide comments on Addendum III. Given the low herring catch limits expected in the foreseeable future, I remain committed to improving collaboration on this important resource. I strongly encourage the Herring Board to work closely with the Council to ensure Commission measures are consistent with federal measures. Please contact



Allison Murphy at (978) 281-9122, allison.murphy@noaa.gov, or Carrie Nordeen at (978) 281-9272, carrie.nordeen@noaa.gov if you have any questions.

Sincerely,



Michael Pentony
Regional Administrator

cc: Tom Nies, NEFMC Executive Director
Cheri Patterson, Atlantic Herring Board Chair
Kirby Rootes-Murdy, Commission Fishery Management Plan Coordinator

Prowler Fisheries, Inc.

PO Box 385, Boothbay, ME 04537

207-633-2214

harborbait@outlook.com

3.1 Quota Management Options

We support **Option 2**

It provides the most flexibility to maximize the harvesting of the quota. If you leave a small portion of the quota in Trimester 3 (especially during times of extremely small quotas) there is **certain to be overfishing**. This does not make sense with the tiny quota we are working with. It is not necessary to save quota after October 1. Fish are moving, weather is unstable, and it is difficult to keep a crew going when the quota is cut up and spread out. Lobstermen need the bait July – through September. Maine seiners harvest almost exclusively in Area 1A, as it is not practical for them to travel to fish the deeper waters in Areas 1B, 2, and 3. Mid-water trawl vessels have access to Areas 1B, 2 and 3 all year.

3.2 Days out of the Fishery Permit Provisions

We support **Option 2** * (only if defined by Permit Category)

* **Cat C permits should have separate, more restricted, days out limits.** C permits were and are meant to be a lesser (smaller) permit and should not be considered equal to Cat A. If C's can harvest the same numbers as A's than there is no difference between permits. That was **not** the original intent of the Cat. C permit.

3.3 Weekly Landing Limit per vessel (trucks)

We support **Option 3** * (only if defined by Permit Category)

*See explanation above. Cat C permits should not have the same weekly truck quota as a Cat A Permit. It should be less than Cat A. Cat C permits were intended to be a less expensive smaller permit than Cat A.



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997 Ocean Drive, Cape May, New Jersey 08204, U.S.A.

Email to: wreichle@lundsfish.com

March 25, 2020

Mr. Kirby Rootes-Murdy
ASMFC Senior FMP Coordinator
1050 North Highland St., Suite 200 A-N
Arlington, VA 22201
By email: krootes-murdy@asmfc.org
Re: Atlantic Herring Draft Addendum III

Dear Mr. Rootes-Murdy:

On behalf of the 150 employees of our family-owned seafood business and the independent fishermen supplying fish to our processing facility in Cape May, New Jersey, thank you for the opportunity to comment in opposition to the further restrictions on managing the Area 1A herring fishery proposed in the draft addendum.

Relative to Quota Management Options, we support Option 1, Status Quo. Specifically, we do not agree that limits on the coastwide herring quota is a sufficient reason to potentially eliminate the opportunity for the trawl fleet to fish in Area 1-A, after October 1, as Options 2 and 3 would do.

We are particularly disappointed that the Board advanced this draft addendum in February after determining to go back to the trimester system, with 27.2% of the quota remaining available after October 1, at their October 2019 meeting, which was to determine allocations to federal permittees for fishing year 2020.

We have supported that outcome for several years, as this process has developed, since it is based on historical access to the herring resource in that management area by Federally-permitted vessels. Amendment 3 provides for more than sufficient options to allow the 1A fishery to be managed by the Board, whom should propose equitable management options that only conform to access to the fishery as provided by the Federal plan.

Relative to the days-out of the fishery provisions outlined; while it may make sense to ensure that Category C permitted vessels' possession limits do not exceed those imposed by the days-out process, it does not make sense for A and C permits to be allowed the same amount of daily catch in this scheme, since the C permits' catch is limited daily, Federally, while the A permits are not. Here again, because of the draft addendum's potential to change requirements imposed by, and opportunities presented with, the Federal herring FMP, we ask that the Status Quo prevail.

Finally, relative to options concerning weekly landings limits, we also support the Status Quo and continue to be opposed to the use of trip limits during the third trimester (since only a minority of the 1A quota is available during that time), as Option 3 would do.

We thank the members of the Atlantic Herring Board for their attention to and consideration of our concerns. Please do not hesitate to contact me if I can provide you with any additional information.

With best regards,

Wayne Reichle

Wayne Reichle, President

Bcc: Joe Cimino; Tom Fote; Adam Nowalsky



Massachusetts Lobstermen's Association, Inc.

8 Otis Place ~ Scituate, MA 02066

Bus. (781) 545-6984

March 12, 2020

Kirby Rootes-Murdy
1050 North Highland St., Suite 200A-N
Arlington, VA 22201

Via email: comments@asmfc.org

RE: Comments on Atlantic Herring Draft Addendum III

Dear Ms. Rootes-Murdy,

The Massachusetts Lobstermen's Association (MLA) respectfully submits this letter of comment on the Atlantic States Marine Fisheries Commission Draft Addendum III to the Interstate Fishery Management Plan for Atlantic Herring (Draft Addendum III).

While, Atlantic Herring is the preferred bait for the commercial lobster industry here in New England we are extremely concerned that **ALL** of the alternatives in the Draft Addendum III other than *Status Quo* would further restrict the Massachusetts commercial lobster fleets access to Atlantic Herring. With each management change to Atlantic Herring the Commonwealth's commercial lobster industry pays the price as Maine continue to benefit from each of the management actions.

Established in 1963, the MLA is a member-driven organization that accepts and supports the interdependence of species conservation and the members' collective economic interests. The MLA continues to work conscientiously through the management process with the Division of Marine Fisheries, the Atlantic States Marine Fisheries, and the New England Fisheries Management Council to ensure the continued sustainability and profitability of all the resource in which our fishermen are engaged in.

3.1 Quota Management Options

The MLA supports Option 1 Status Quo. Under this option, the quota allocation options as outlined in Section 4.2.3.2 of Amendment 3 would remain unchanged. The Board may annually choose from the quota allocation options outlined in Amendment 3 when setting fishery specifications for the upcoming fishing season including the following:

- Bi-monthly periods
- Trimesters
- Season

3.2 Days Out of the Fishery Permit Provisions

The MLA supports Option 1 Status Quo. Under this option, the permit provisions outlined in Sections 3.1 and 3.2 of Addendum 1 would remain unchanged. Category A permits can be subject to both landing day restrictions and weekly landing limits during June 1-September 30. Category C and D permits can only be subject to landing day restrictions from June 1-September 30 through the Small Mesh Bottom Trawl Program. Board members from Maine, New Hampshire and Massachusetts will agree upon the days out provisions by permit category based on the number of participants in the fishery and the quota prior to the start of the fishing season.

3.3 Weekly Landing Limit Per Vessel

The MLA supports Option 1 Status Quo. Under this option, weekly landing limits (which currently apply to only Category A permits for June 1-September 30) outlined in Section 3.5 of Addendum 1 would remain unchanged. Board members from Maine, New Hampshire and Massachusetts will agree upon the weekly landing limit for Category A permitted vessels based on the number of participants in the fishery and the quota prior to the start of the fishing season.

Draft Addendum III alternatives undoubtedly support the purse seine fleet of which, **NONE** of the Atlantic Herring comes into Massachusetts ports for use as lobster bait. The commercial lobster industry in the Commonwealth depend greatly on Atlantic Herring as a bait source and any additional restrictions or access will put more pressure on **ALL** other bait sources, driving the cost will have a devastating economic impact on the commercial lobster industry as a whole and the ripple effect that will be felt far and wide.

By allowing managers the continued flexibility to choose between the bi-monthly, trimesters or seasons allows for a steady flow of Atlantic Herring to be landed around the region. Any further restrictions on how and when the fish should be allocated and landed will ultimately turn this fishery into a Maine **ONLY** fishery, further hurting the Commonwealth's commercial lobster fishery.

Currently, the ASMFC has many efficient tools in their box to responsibly and effectively manage the Atlantic Herring fishery. Any additional alterations to the allocation distribution from the historically established Area 1A sub-ACL 72.8% of the quota from June through September and 27.2% allocated from October through December will **ONLY** hurt Massachusetts commercial lobstermen.

Should you allow the redistribution of the Area 1A sub-ACL proposed allocation to 80% June through September and 20% October through December would be the nail in the coffin to the Commonwealth's commercial lobster fleet for any chance of getting Atlantic Herring to use as bait. The only vessels that would be landing Atlantic Herring would be the purse seine fleet shutting down all others. Subsequently, the Atlantic Herring fishery would be **ONLY** for the Maine purse seine vessels and evermore known as the Maine Herring fishery.

In closing, the Massachusetts Lobstermen's Association must reiterate the fate of the Commonwealth's commercial lobster industry depends greatly on the availability of Atlantic Herring for use as bait. We sincerely hope and trust that the Atlantic States Marine Fisheries Commission will weigh all the alternatives and comments to make an informed and pragmatic recommendation to allow Atlantic Herring to be landed in the Commonwealth for use as lobster bait.

In closing, should any additional restrictive provisions be realized that would further limit access to Atlantic Herring beyond the current confines will be met with opposition from the commercial lobster industry here in the Commonwealth. We look forward to working with the Atlantic States Marine Fisheries Commission on the management of the Atlantic Herring.

Kind regards,

Beth Casoni

Executive Director

New England Purse Seiner's Alliance

March 24th, 2020

Kirby Rootes-Murdy
1050 North Highland Street
Suite 200 A-N
Arlington, VA 22201

Re: Atlantic Herring Draft Addendum III

Dear Kirby,

I am writing on behalf of the New England Purse Seiner's Alliance (NEPSA) to comment on Draft Addendum III ("the Addendum") to the Interstate Fishery Management Plan for Atlantic Herring. NEPSA is an industry group consisting of purse seine vessels that fish the inshore Gulf of Maine. Our vessels supply fresh herring exclusively to U.S. lobstermen during times of peak bait demand. Before outlining the measures we support, I will start by quickly providing some context.

The traditional purse seine fleet fishes exclusively in Area 1A. Unlike midwater trawlers, our boats do not have the ability to fish in Areas 1B, 2, and 3, where the overwhelming majority of the overall herring quota is allocated. As such, the days out and other effort controls in Area 1A are a key determinant to our fleet's ability to succeed—this is all we have. And this is especially true under a low quota regime.

For the 2019 season, many of us supported the bi-monthly approach because it seemed like the lesser of two evils. On paper it would have allowed for more of the quota to be condensed into the summer months—allowing the fleet to maximize the value of the low overall available catch. There are three reasons that a condensed, summer season would have maximized value. First, logistically it is much easier for boats to fish in one continuous season—for obvious reasons. Starting and stopping not only makes it harder to hold a crew, but it also makes it harder to find and stay on the fish. Second, the lobster bait demand peaks in the summer and so that is when the fish are worth the most. And lastly, herring are generally more abundant—and, therefore, more easily caught—in the summer.

In hindsight the bi-monthly approach was very different on paper than it was in reality. While—in theory—it did allow for more fish to be available to the fleet in the summer, the fishery was hobbled by the bi-monthly system's requirement to split that quota up into two separate periods. This led to a lot of uncertainty and lost revenue. It was also highly complicated for the managers because—by splitting an already-small number into two smaller numbers—it was hard to track

New England Purse Seiner's Alliance

quota and predict whether or not the 92% trigger would be hit with any confidence. And because of that 92% trigger needing to be used in two smaller sub-periods, quota was unnecessarily left on the table in the summer months. With the failure of the bi-monthly system, it has become clear that none of the options that ASMFC currently has at its disposal are adequate, and that change is needed.

3.1 Quota Management Measures

We strongly support **Option 2**. Neither the trimester nor bi-monthly system are effective under the low quotas the fishery is facing today. It makes absolutely no sense to try and split such a low quota into separate periods. The only way the bulk of the Area 1A fleet can survive on these numbers is to put it all in one continuous period, during the peak bait season, and when the fish can be easily caught. Any other method merely impedes these boats from succeeding.

Moreover, saving a small quota for the Fall is bad policy in and of itself, for multiple reasons. First, the available quota is so low that it not only opens the door to overages—it essentially ensures they will occur. The herring fleet can catch thousands of metric tons in one day, and so how can you manage it correctly if the Fall quota is 1/3 of that daily potential? The answer is that you cannot manage it, and you will be creating a system that leads to overages. Second, saving quota for the Fall means saving quota for spawning season. Why would we want to encourage fishing during spawning season when we are told by scientists that recruitment is historically low? And finally, midwater trawlers have full access to Areas 1B, 2, and 3, and so it is simply unfair to manipulate the Area 1A season for them when it means harming the boats that rely solely on Area 1A. And do not forget that everyone can fish in Area 1A in the summer with a seine—something that all but three of the midwater trawlers that actively trawl in 1A already do.

And we will just point out that Option 2 does not mean that the fish will be put into the summer months. Option 2 merely gives managers the flexibility to make such a choice. ASMFC should be supporting Option 2 because it is just bad policy to limit decision makers to two arbitrary, clunky, and unrealistic quota management options.

3.2 Days Out of the Fishery Permit Provisions

We fully support bringing all Category C permits into the days out program. With the low quotas the herring fishery is facing, you simply cannot allow any Category C permits to fish without effort controls while severely limiting effort by Category A boats. It is only fair to make everyone play by the rules. **That said, we also feel strongly that ASMFC should set days out variably by category.** Category A permits are very different from Category C permits, and you should not equate the two on paper. Doing so will both diminish the value of the Category A permit and incentivize effort by Category C vessels. (And while we know that Category C boats have not flooded into the fishery in recent years, it is a very real threat given the explosion of purse seine effort in the Maine pogie fishery.)

New England Purse Seiner's Alliance

3.3 Weekly Landing Limit Per Vessel

We fully support subjecting Category C permits to weekly landing limits. Again, it makes no sense to severely limit Category A boats only to impose no limits on Category C boats. **But weekly landing limits should be set variably by category.** Again, Category A permits and Category C permits are very different permits with very different levels of investment involved. You cannot make a rule that codifies the concept of “giving” Category C vessels the same weekly limits as Category A vessels. You need to set the weekly limits for Category C boats in a manner that is commensurate to the spirit of their permit level—and therefore lower than the levels for Category A permits. You will destroy the value of the Category A permit if you make a rule that gives Category C the same weekly limit. And again, Category C permits could become much more active if any changes occur in the pogie fishery and suddenly there’s a lot of purse seiners looking to purse seine for something else.

To be clear, we *strongly* support the effort by ASMFC to bring Category C boats into both the days out and weekly landing limit systems. We would just encourage ASMFC to go a step further and make these restrictions variable by category so that you preserve the character—and value—of the different permits. This would only require a little more analysis by staff and a little more discussion by decision makers at the annual “days out meeting” when decisions are made for Category A boats now.

Before ending this letter, I wanted to get on record that the purse seine fleet is struggling to survive right now. Last season was an absolute disaster—and that is not hyperbole—and this season has potential be be worse. The quota numbers are already lower than last year, and now the COVID panic has complicated matters even more. Without the proper management of the Area 1A quota, you will lose the purse seine fleet. This traditional fishery has made a living for decades in the Gulf of Maine and you must protect it. Taking the steps discussed above will be a good step in that direction.

Thanks for your time and consideration,

Chris Weiner
NEPSA.

From: [Joseph Gomes](#)
To: [Comments](#)
Subject: [External]
Date: Thursday, February 13, 2020 12:49:20 PM

As a now senior citizen I have witnessed the discovery of new fisheries and then, sadly, the decline of those as well as the decline/decimation of the old fisheries. It seems to me that we are killing our favorite fish by attacking them from Both ends. We are overfishing the stocks themselves, stripped bass, tuna, flounders and others And we are wiping out the baitfish that the the whole food web depends upon including our favorite game and food fish. Menhaden for cat food??

For how many years did we net the SPAWNING smelt and herring as they swam up streams in Spring? How many countless generations did we eat? Now we are deciding the fate of a species so we can use them for bait? How completely god like and Disgusting.

I do not have a simple answer for there are none of those at this late date. However we Must do what we can to ensure the survival of Herring and the other forage fish that are in jeopardy.

From: [John DuVally](#)
To: [Comments](#)
Subject: [External]
Date: Thursday, February 13, 2020 7:44:34 PM

End the harvesting of herring alltogether! Or the species will never come back!!!!
Theres hardley any left compared too 30 or 40 years ago! Pathetic

From: [Eric McNiff](#)
To: [Comments](#)
Subject: [External] Atlantic Herring Draft Addendum III
Date: Thursday, February 13, 2020 12:16:35 PM

After reading the Addendum III in its entirety, it is obvious there is no single solution that will appease all parties involved. Herring and lobster fisherman will want to maximize the harvest in coordination with the best times to harvest and market lobster. On the other hand, tuna and ground fisherman may want to cease ALL commercial harvest of this important food source during these same times in the season, as having herring the water is beneficial to their particular fishery. Of course, the timing of the harvest of herring is quite important to all parties because the timing of the harvest can have a huge effect on the success of each parties primary fishery interest. Those interests aside, it would seem that the most prudent course of action would be to consider the timing of the harvest of this finite resource so that it benefits the longevity and prosperity of the herring stocks themselves.

All commercial fishing interests are vying for harvest that matches with their own particular fishery which happen to overlap during the summer/fall season...we all want the herring at the same time (some to catch, some to protect). **Harvesting any herring BEFORE they have had a chance to spawn in that particular season just makes no sense at all. Would the Commission consider decreasing herring fishing pressure until after the stocks have had a chance to spawn ??**

The Commission should also consider (as I am sure they do) the economic and environmental benefits of decreasing herring quotas and fishing pressure in general, especially INSHORE where many people (not just fisherman) are able to benefit from a healthy herring stock. These inshore areas should be protected from herring fishing all together.

Thank you for considering my comments,

Eric McNiff
Dauntless Fishing LLC
34 Blackburn Center
Gloucester, MA

From: gerryjr@capeseafoods.com
To: [Comments](#)
Subject: [External] Atlantic herring draft addendum III
Date: Wednesday, March 25, 2020 12:03:00 PM

My name is Gerry O' Neill, I own 2 midwater trawlers and a fish processing plant in Gloucester Ma. We have had federal herring and mackerel permits on our vessels for over twenty years. The majority if not all of our herring catch from any area we fish in goes to the lobster bait market. For years now we have seen our access to the federal herring fishery diminished through a multitude of different actions put in place by the ASMFC. We qualified for these permits in the same way that anyone else in this fishery did but we find ourselves losing access more and more every year with every new tool that the ASMFC suggests in order to supposedly better manage the fishery. The herring board has more than enough tools in the toolbox already to manage this fishery whether its small quotas or not. These new tools that are being proposed here are just another way to reduce access to this federal fishery for boats outside of Maine.

If there is a change that allocates the entirety of the herring quota from June through the end of September then the ASMFC have at that point way over stepped its bounds in the management of the 1A herring fishery. If there is any less quota than the 27.2% historical allocation held over until after October 1st, when everyone gets access, it means that the ASMFC has stepped into the job of managing a federal fishery, they will have effectively allocated the entire 1A herring quota to one gear type over another and in favor of one state over all the others. I am no expert on the Magnuson-Stevens act but I believe it explicitly states you cannot do that. Much has been made of the fact that this is simply another tool that could, might and may be used. There are enough tools. If this addendum is pushed forward in order to restrict mid water trawl access to herring in 1A then I have no doubt it will be used now and always to limit our access to these fish and essentially creating a scenario whereby Massachusetts lobstermen will get none of that seine fish and if the seiners do in fact decide to send fish this way then it will be at whatever price tag they choose to put on the product.

It wasn't that long ago that there was some effort at the NEFMC to change the allocation percentages for the 1A herring fishery and the council voted pretty strongly to keep the percentages where they were. Even more recently than that the council voiced its position again after news came out about this addendum. The position of the council and NMFS seems to be ignored more often than not by the ASMFC herring management. This needs to stop. This is a federal FMP not a state FMP and it must be managed as such.

Option 3.1: Option 1 Status quo. My rationale is above. There are enough tools. None of us can afford to lose any access to fish and as a mass company that supplies mass lobstermen I believe the percentage should stay at 27.2 % held over until after October 1st.

Option 3.2: Option 2: The companies that invested heavily in this fishery over the years should not be at the mercy of permitted boats that haven't. Category B permits should not have the same weekly landing limits as category A permits but should have the same days out measures apply to them.

Option 3.3: Option 1 status quo. I do think that the declaration as to whether or not you are going to fish is futile and should go away. However I can not support either of the options that have this alternative in them due to the fact that I don't agree with changing to weekly landing limits after October 1st. We have a gear type that is essentially told our federal permit is worth nothing from January through the end of September and then tell us we have to limit catch then also. I don't agree with that at all and neither should the ASMFC.

Thank you for the opportunity to comment on the addendum. Please listen to what we are saying. Our gear type should have as much access to this fishery as anyone else does under the Federal herring FMP.

Regards,

Gerry O' Neill
Cape Seafoods Inc-President
Western Sea Fishing Company, Inc-Director
3 State Pier, Gloucester Ma 01930
Cape Seafoods Office: 978-283-8522,
Western Sea Office: 978-283-7996
Cell: 978-479-4646

From: [David Larson](#)
To: [Comments](#)
Subject: [External] Herring Addendum III
Date: Monday, March 23, 2020 9:20:44 AM

To the Senior FMP Coordinator (Kirby Rootes-Murdy),

With the fishery having been closed multiple times in 2019, and the reduction in the quota this year I think it makes sense to close the fishery entirely. As unreasonable as this may sound I think in the course of having an available resource far into the future it makes sense at this point in time. In the case of any major fisheries "collapse" and or low rates of return, fisheries that are closed seem to always stand the best chance of rebound. Think of the Stripe Bass fishery in the 70's and what it became, various pacific salmon runs have been able to progress with a closure of a fishery. In the case of Stripe bass the lifting of the closure and the implementation of generous catch limits has again, lead to the decline in the fishery.

All this evidence should give you ample grounds to argue from and justify this closure. I do not envy the commissions position in these matters and I realize that jobs and livelihoods are at stake. I also realize that I live in a world void of New England Atlantic salmon runs because people jobs were at stake then and they didn't have the foresight to see what the fishery would (or wouldn't) become.

I thank you for the time if you've made it to this point in the email. My last parting thought, it conservation is not supposed to be convenient. I thank you for all you do especially the inconvenient.

Regards,
David Larson
East Coast Angler

From: [Donald Finocchio](#)
To: [Comments](#)
Subject: [External] Herring Landings
Date: Friday, February 14, 2020 3:59:49 PM

I'm a recreational near shore (Plum Island to Halibut Point) fisherman. Seems to me the herring are vital to feed the breeding stripers. This year was exceptional in the amount of herring schools in this area and corresponding stripers (catch and release) but often the commercial boats were out there scooping the herring up. With the growing concerns over the decline in stripers and bluefish (which never showed up this year) it seems protecting bait fish like herring is vital.

My vote is to tightly limit commercial fishing to restore all our fishing stocks to a sustainable level.

Regards,

Don Finocchio

From: [Robert Clement](#)
To: [Comments](#)
Subject: [External] Herring
Date: Saturday, February 15, 2020 10:09:13 AM

The stock deserves total protection until such time that the science of it determines the stock healthy enough to sustain its self
Sent from my iPhone

From: [Bill Barbour](#)
To: [Comments](#)
Subject: [External] I believe that all forage species need to be protected and quotas need to be cut. I have been a full time commercial fisherman for 48 years
Date: Thursday, February 13, 2020 12:29:01 PM

Sent from my iPhone

From: [Bill Barbour](#)
To: [Comments](#)
Subject: [External] Yes my comments are specific to herring also all forage species
Date: Wednesday, February 19, 2020 12:41:45 PM

Sent from my iPhone

From: [Bob & Val Strzelewicz](#)
To: [Comments](#)
Subject: Re: [External] herring
Date: Wednesday, February 19, 2020 10:05:17 PM

i am in favor of anything that will preserve fishing for my grand children and future generations even if it means closing the season for while so the stock can rebuild and not keep taking them for the sake of making money this year.
Robert Strzelewicz

On Wed, Feb 19, 2020 at 9:48 AM Comments <comments@asmfc.org> wrote:

Thank you for submitting public comment. Are you in support of any options in Atlantic Herring Draft Addendum III document?

Kirby Rootes-Murdy

Senior Fishery Management Plan Coordinator

Atlantic States Marine Fisheries Commission

1050 N. Highland St., Suite 200A-N

Arlington, VA 22201

P: 703.842.0740

E: krootes-murdy@asmfc.org

W: www.asmfc.org

From: Bob & Val Strzelewicz [mailto:bvstrzelewicz70@gmail.com]

Sent: Thursday, February 13, 2020 2:39 PM

To: Comments <comments@asmfc.org>

Subject: [External] herring

I'm a 75 year fisherman and i remember herring so thick you could walk on them, the season has been closed for many years to protect them.They say that they can take them

in the ocean but not in the streams where they spawn. After they spawn and return to the ocean they catch them, how does that help the herring situation,Can't tell me the nets know the difference between river herring and ocean herring, or do they call it by catch. If you want to protect them you close the season for everyone, it may produce better results for everyone in a short time, or kill them off forever//////////your choice

Robert Strzelewicz

7 conant ave

Dudley ma. 01571

508 943 7086

any answer would be welcome

PS I don't have many years left for you guys to fix this //////////////

[External] Herring Draft Addendum III

Joseph Jurek <mystiqueladyfishing@gmail.com>

Tue 3/24/2020 9:13 AM

To: Comments <comments@asmfc.org>;

To: Kirby Rootes-Murdy
Senior FMP Coordinator

From: Joseph Jurek
F/V Mystique Lady

Re: Quota Management Options Herring Draft Addendum III

As a member of the AP I apologize for Missing the conference call on the 19 of March. But in retrospect after reading the quota management options it gave me more time to consider the impacts of the proposed actions on all of the Gloucester more thoroughly before I made my comments.

Obviously there is not as much fish to be caught this year and these management options will effect which user groups will have access to the limited resource available. From the perspective of a category D permit holder quota management option 3.1 option 3 seems to be the most appealing to me because it allows for a small amount of quota to be left for September a time when access to the herring resource is often still available inside the small mesh area, and the demand for lobster bait is high in Massachusetts. But there is no denying that any option other than the status quo will exclude the category A boats that fish for herring out of Gloucester from the fishery. So I am hesitant to recommend any alternative other than the Status Quo because I do not think it is appropriate to exclude one states user group so that another state will have access to all the available quota.

The alternatives offered in quota management option 3.2 and 3.3 to me seem to address flexibility in the ability to work within the fishery. Which I think is important to maintain. Therefore I would prefer to see option 1 for 3.2 and option 2 for 3.3. with such a small amount of quota getting in and out of the fishery will determine if a vessel can more easily participate and derive some small amount of income from the reduced quota levels.

In summary I know that hard decisions need to be made considering the state of the herring fishery. And as a herring fisherman the changes in what is normal from an abundance and behavioral patterns standpoint would indicate that the most restrictive and cautious options will be the best course. However to use caution as a tool to exclude one states access in favor of anothers does not seem like an appropriate management strategy. So I hope that the section will take into consideration distribution of landings by state into their management mandates.

Thank You
Joseph Jurek
F/V Mystique Lady



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

MEMORANDUM

March 20, 2020

To: Atlantic Herring Management Board

From: Atlantic Herring Advisory Panel

RE: AP Review of Draft Addendum III

AP Members

Beth Casoni
Steve Weiner

Jeff Kaelin (AP Chair)
Gerry O'Neill

Mary Beth Tooley

Public

Chris Weiner
Paul York

Staff

Kirby Rootes-Murdy (ASMFC)

The following memo contains the Atlantic Herring Advisory Panel's review of the Draft Addendum III Alternatives for Quota Allocation and Days Out Measures

The AP met via conference call on March 19th, 2020 to review Draft Addendum III. After a presentation of the Addendum options, AP members asked questions and provided comments on the options. Comments and recommendations are summarized below, broken out by issue items as presented in the document. At the start of the meeting, the AP Chair noted that only 5 of 14 members of the AP joined the call (in addition, one member alerted staff to a conflict) and suggested that the Board ask States to repopulate the committee to attract members who are willing to participate. Additional comments were provided by AP members following the call via email and the summary has been adjusted to reflect that feedback.

Proposed Management Program:

Issue 1: Quota Management Options

Four AP members were in favor of maintaining the status quo value (Option 1); one member* indicated their support for the Alternate Seasonal Allocation: 0% Jan-May; 100% from June 1-December 31 (Option 2).

Reasons cited in support of status quo focused primarily on concern that the current allocation options available to the Board through Amendment 3 are sufficient, and that new allocation percentages or timing of seasons/trimesters is not needed at this time. Additionally, there was specific concern that both Options 2 and 3 could potentially prevent the trawl vessels from participating in the fishery if the sub-ACL is caught prior to October 1. It was emphasized that allocations of more than 20% for October 1-December 31, in particular the Board's approval of the seasonal allocation of 27.2% for the 2020 fishing year, last fall, is very important to the lobster fishery, especially in Massachusetts. Options 2 and 3 pose the risk of excluding trawlers from accessing the resource after October 1 (depending on the days out measures selected), which could leave these Federally-permitted vessels out of the Area 1A fishery. Losing access to the resource for these gear types during that time of year would be devastating.

The AP member* in favor of option 2 cited the need for more flexibility during a difficult time in the fishery, with much lower quota levels than have been seen in recent years. This individual emphasized that there is 'not enough fish to go around', and that there are three other management areas in which herring can be caught and that by approving these options in the document, simply provides the Board with more allocation schemes to choose from annually.

The Chair suggested that the Board consider a lottery system, with a low quota, as is done in the Federal scallop fishery when access areas cannot support access to the entire full-time fleet.

Public: One member of the public spoke in favor of Option 2 and indicated they would provide written public comments following the call.

Issue 2: Days Out of the Fishery Permit Provisions

Four AP members were in favor of extending the Category A Permit Days Out of the Fishery provisions to Category C Permits (Option 2). Reasons cited was a need to address concerns that currently, some Category C permitted vessels that are not in the Small Mesh Bottom Trawl Program (Category C & D) could be effectively operating outside of the Days Out Program with the Federal possession limit for these vessels being greater than the possession limits that have been imposed in the Days-Out Program. Specifically, decreasing Category A Permits' weekly landing limit while not doing so to Category C Permits' weekly landing limit, was seen as not fair.

That being said, there was also concern expressed about how Category A Permits and Category C Permits land significantly different quantities of fish, and therefore applying the same measures may pose issues of fairness. Additionally, as an economic analysis was not conducted on the potential impact of these changes to the fishery, there are many unknowns about how it could affect Category C Permits that are not in the Small Mesh Bottom Trawl Program. It was noted that Option 2 in many ways 'is trying to solve the right problem it just doesn't go far enough'. Lastly, it was noted that Category C permits already have a specified trip limit (55,000

pounds per trip/day in all areas) as part of their federal permit and that applying a weekly trip limit in addition to that may be adjusting allocations to certain federal permit holders.

Public: Two members of the public also spoke in support of Option 2, indicating their concern that with recent low quota levels, there may be additional latent effort of permit holders re-entering the fishery given a potential increase in the demand for herring

Issue 3: Weekly Landing Limit Per Vessel

Three AP members indicated their support for Option 3 (Applying a weekly harvester landing limit for all vessels throughout all quota periods), with the caveat they are opposed to a weekly trip limit being applied in Trimester 3 (starting Oct 1). Reasons cited were similar to those mentioned under Issue #2, with the addition of supporting removal of the 45 day notification requirement as it has not been helpful in estimating participation for the upcoming fishing season. But specific to the issue item, these AP members expressed a lot of concern about applying a weekly trip limit in October, and so while there was support for Option 3, the AP members made it clear that a weekly trip limit shouldn't be applied after October 1st. One AP member* expressed their support for Option 3 with the use of weekly landing limits to be extended after October 1. This member indicated that during low quota times it makes no sense to abandon the use of weekly limits in October/November. Additionally they cited that effort greatly increases in October and the threat of exceeding a small quota is likely.

Additionally, some AP members spoke to the need to have different weekly landings limits for each permit category so as to ensure equitable access to the resource.

Public: One member of the public indicated their support for having the same days out measures be applied for both Category A and Category C permits that are not a part of the Small Mesh Bottom Trawl Program.

*Following the call, two additional AP members provided feedback on the draft addendum via email. They indicated their support for:

- Section 3.1 Quota Management, **Option 2:** Alternate Seasonal Allocation: 0% Jan-May; 100% from June 1-December 31
- Section 3.3 Weekly Landing Limit per Vessel, **Option 3:** Applying a Weekly Harvester Landing Limit for all vessels throughout all quota periods.

Reasons cited mirrored comments made by AP members on the call (noted by the * above).

Additional Comments:

- A few AP members indicated that the Board should more strictly address issues relating to Category C Permits. One member indicated that these permit holders should not be allowed to catch more than Category A permits. This individual also noted that in times where Category A permit holders are sacrificing, we should not be encouraging/supporting more fishing effort from Category C permitted vessels. Lastly, they expressed concern about latent effort from Category C permit holders not currently active in the fishery.
- A number of AP members expressed frustration with the wording of the management options and need for clarity in how the proposed options will impact each permit category
- A general comment was offered that Federally Permitted Vessels may be negatively impacted by actions taken by the states/ASMFC through options in the Addendum and that this is problematic.
- There was interest expressed by a number of the AP members on the call to meet more regularly. In particular, a few AP members indicated their frustration that they were not consulted in the drafting of the Addendum as they are more likely to understand specifically how the fishery operates.
- It was noted that social and economic analyses are missing from much of this document and other Commission management documents and that this needs to be addressed. This AP member mentioned that the issue had been raised to the Executive Director of the Commission previously.
- One AP member noted the menhaden landings data in the document should have considered landings by other states south of the management unit (Maine-New Jersey) that help support the bait demand to the lobster fishery, which is helping to lessen the need to change how the herring fishery is operating in Area 1A .