

Draft Document for Public Comment

Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM VI
TO AMENDMENT 2 TO THE INTERSTATE FISHERY
MANAGEMENT PLAN FOR ATLANTIC HERRING
FOR PUBLIC COMMENT**



ASMFC Vision Statement:

Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015

June 2013

Draft Addendum for Public Comment

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Public Comment Process and Proposed Timeline

This Draft Addendum presents background information on the Atlantic States Marine Fisheries Commission's (Commission) management of Atlantic herring, the addendum process and timeline, and a statement of the problem. This document also provides options of Atlantic herring management for public consideration and comment.

In February 2013, the Commission's Atlantic Herring Section initiated an addendum to the Interstate Atlantic Herring Fishery Management Plan (FMP) to include options for seasonal splitting of the annual catch limit sub-components (sub-ACLs) for Areas 1B, 2, and 3. The Draft Addendum proposes to allow for up to 10% carryover of a sub-ACL consistent with provisions in the New England Fishery Management Council's (Council) Framework 2. The Draft Addendum also proposes to establish triggers that will close directed fisheries 1) in a management area when 92% of a sub-ACL is projected to be reached and 2) stock-wide when 95% of the ACL is projected to be reached. A 2,000 pound bycatch allowance will continue after directed fisheries are closed.

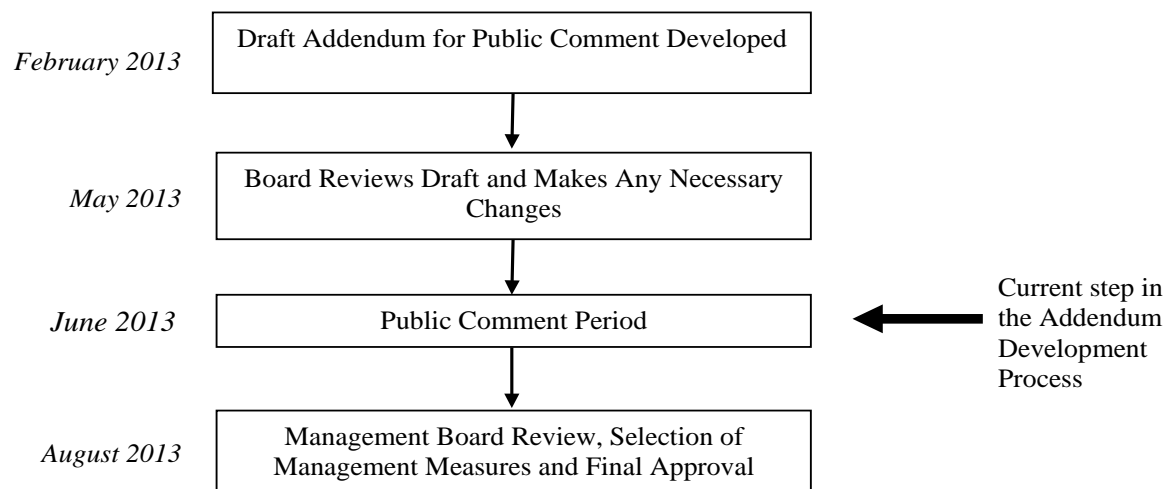
The public is encouraged to submit comments regarding this Draft Addendum during the public comment period. Comments will be accepted until **5:00 pm (EST) on July 12, 2013**. The Section will consider final action on this addendum during the Commission's August 2013 Meeting.

You may submit public comments in one or more of the following ways:

1. Attend public hearings in your state or jurisdiction.
2. Refer comments to your state's members on the Atlantic Herring Section or Advisory Panel, if applicable.
3. Mail, fax, or email your written comment to the contact information below.

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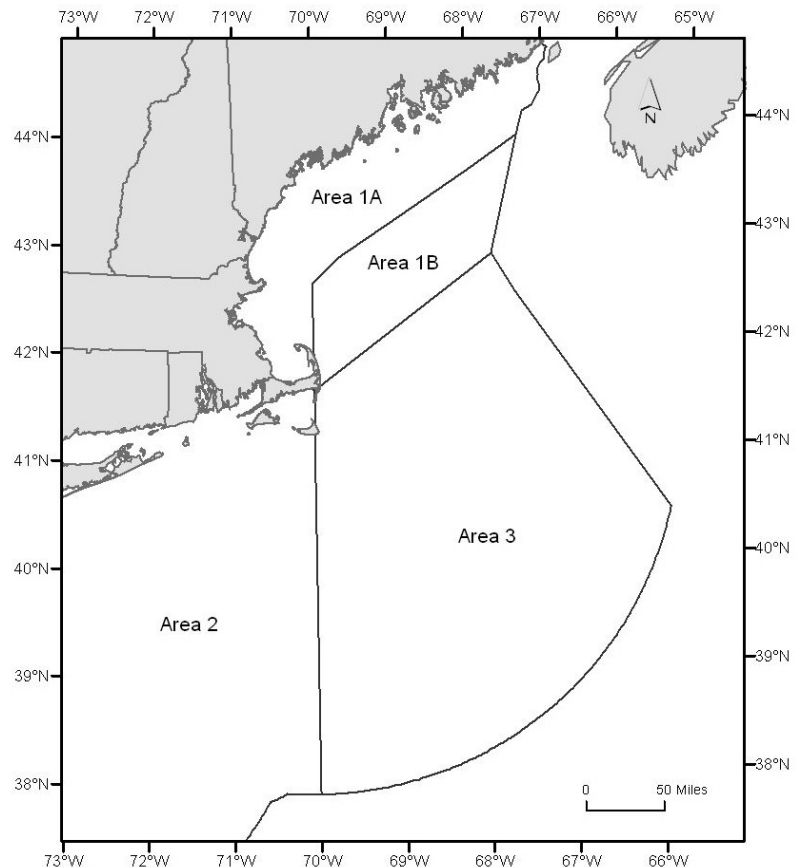
1.0 Introduction

Atlantic herring, also known as sea herring, is a schooling oceanic fish that is important to marine wildlife and the fishing industry. It is used as a food fish and provides an affordable source of bait for lobster and tuna. Since 1999, the fishery has been regulated by the Atlantic States Marine Fisheries Commission (Commission) in state waters (0-miles) and the New England Fishery Management Council (Council) in federal waters (3-200 miles) through complementary plans. This species is managed as one stock complex comprised of four inshore and offshore components in the Gulf of Maine and Georges Bank, referred to as management areas 1A, 1B, 2, and 3 (Figure 1). According to a benchmark stock assessment completed in June 2012 (SAW/SARC 54), Atlantic herring is not overfished and not experiencing overfishing; in fact, it is rebuilt.

In February 2013, the Commission's Atlantic Herring Section (Section) initiated an addendum proposing to:

- 1) Allow seasonal splitting of annual catch limit sub-components (sub-ACLs) for Areas 1B, 2, and 3;
- 2) Allow for up to 10% carryover of a sub-ACL consistent with the provisions laid out in the New England Fishery Management Council's Framework 2;
- 3) Establish triggers that will close the directed fishery in a management area when 92% of a sub-ACL is projected to be reached. The stock-wide fishery will close when 95% of the total ACL is projected to be reached. A 2,000 pound bycatch allowance will continue for the remainder of the season; and
- 4) Allow directed fishery closure triggers to be set for sub-ACLs using the specification process.

The proposed options include establishment of sub-ACL triggers through the specification process. The Commission action was taken to consider complimentary measures to Framework 2 of the NEFMC Atlantic Herring FMP.



Map of Atlantic Herring Management Areas

2.0 Management Program

2.1 Statement of the Problem

The Interstate FMP provides states with the flexibility to split the fishing season in order to save quota for the months of June through December, when herring can fetch a higher value. Currently, the FMP has rules for splitting quota in Area 1A, but does not include provisions for splitting quota in Areas 1B, 2, and 3. The Draft Addendum proposes to expand the rules to include these three management areas.

The Commission complements the Council's annual specification process for the management of Atlantic herring. In August 2012, the Council developed Framework 2 in response to a letter from NOAA Fisheries, which contained court-ordered remedial actions to address deficiencies in the FMP, such as bycatch and environmental impacts. Through Framework Adjustment 2, submitted to NOAA Fisheries in February 2013, the Council proposed to allow up to 10% of unused quota in a management area to carry over to the following fishing season for that same management area, while maintaining the total stock-wide quota as set through the specification process. Currently, the Commission does not allow for quota rollover. The Draft Addendum proposes to allow a quota rollover of up to 10% to the following fishing year for all management areas, consistent with the provisions laid out in the Council's Framework 2. The establishment of harvest control measures in the form of triggers is proposed to prevent overharvesting of the quota within individual management areas as well as the overall coastwide quota. All of the proposed options in this addendum reflect the Council's recommendations to NOAA Fisheries, which are pending approval during the drafting of this addendum.

2.2 Background of Relevant Atlantic Herring Regulations

Amendment 2 to the Interstate FMP (2006) was developed in close coordination with the Council as it developed Amendment 1 to the Federal FMP for Atlantic Herring. The goal is to achieve optimum yield through coordinated management between federal and state waters. Amendment 2's measures included new management area boundaries, biological reference points, expansion on the specification process, spawning closures, and up to 3% research set-asides to be set through the specification process.

Addendum I (2009) to Amendment 2 was developed to control fishing effort in Area 1A using a combination of quotas, days-out restrictions, and weekly reporting requirements to effectively manage quota. Specifically, Addendum I allowed states to select bimonthly, trimester, or a seasonal quota, as best meets the needs of their fishery. States also have the option to split their quota, which reserves the annual catch limit (ACL) for the months of June through December, when demand and prices are higher for Atlantic herring.

Addendum II (2010) to Amendment 2 aligned the Commission's management processes with that of the Council. It modified the Commission process to set annual specifications and established harvest control measures for paybacks. In the event of an overage, when an ACL or sub-ACL has been exceeded, that excess amount will be deducted from the first year after final landings are available.

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In February 2013, the Atlantic Herring Section set annual catch limits (ACLs) for 2013-2015 fishing seasons at 107,800 metric tons (mt), which is an 18% increase from 2010-2012 limits. This new stock-wide quota is identical to the ACLs recommended by the Council to NOAA Fisheries. The ACL is further subdivided into sub-ACLs for each of the four management areas as follows:

2013-2015 Sub-ACLs for Atlantic Herring in Metric Tons	
1A	31,200
1B	4,600
2	30,000
3	42,000
Fixed Gear Set-aside (1A)	295
Research Set-aside (2014-2015 only)	3% of each sub-ACL

For 2013, Area 1A's sub-ACL was adjusted to 29,480 mt, which will be distributed seasonally, with 72.8% available from June 1 through September 30 (Trimester 2), and the remaining 17.2% available from October 1 through December 31 (Trimester 3). This adjustment accounts for the 1,425 metric tons exceeded in 2011 and the 295 mt fixed gear set aside.

3.0 Management Options

Draft Addendum VI proposes the following options:

3.1 Seasonal Splitting of Quota for Areas 1B, 2, and 3

3.1.1 Option 1: Status Quo: No seasonal splitting in Areas 1B, 2, and 3. States can continue to seasonally split Area 1A's sub-ACL, as established in Addendum I (2009).

3.1.2 Option 2: Allow states to seasonally split the sub-ACLs in all management areas to maximize value to the Atlantic herring fisheries. The actual splits (amounts or percentages by months, trimesters, or seasons) would be set as part of the specifications process.

3.2 Quota Rollover for All Management Areas

3.2.1 Option 1: Status Quo: No rollovers of unused quota in Areas 1A, 1B, 2, and 3.

3.2.2 Option 2: Allow for up to 10% of unused quota in a management area to carry over to the first fishing year after final landings data are available, within that same management area, provided that the ACL is not exceeded for the entire fishery. The stock-wide ACL will not be changed from the annual specification. This adjustment for areas with unused quota is intended to provide some flexibility to the fishing industry. Furthermore, unused quota in one period may be rolled over to the next period within the same fishing year.

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Under this option, the following provisions would apply:

- All harvest control measures would continue to apply to stockwide and sub-ACLs.
- All carryovers would be based on initial sub-ACL allocations for the fishery year.
- Sub-ACL underages would be determined based on the same methodology used to determine sub-ACL overages.
- Sub-ACL carryovers would only be authorized if the total ACL for the fishing year is not exceeded.
- Provisions for carryovers, including percentages/amounts, can be modified in the future through the herring fishery specifications process (in addition to framework adjustments and amendments).
- Unused quota may be rolled from one period to the next within the same year.

3.3 Harvest Control Measures: Trip Limit Triggers

This option would apply to all management areas for consistent stock-wide management.

3.3.1 Option 1: Status Quo: No trip limit triggers for Areas 1B, 2, and 3. Area 1A will be closed when 95% of the sub-ACL is projected to be reached.

3.3.2 Option 2: This option establishes triggers to close directed fisheries in a management area when 92% of the sub-ACL is projected to be reached, and then close the stock-wide fishery when 95% of the total ACL is projected to be reached. A 2,000 pound bycatch allowance will continue when the directed fishery is closed.

3.4 Specification Process for Sub-ACL Triggers

3.4.1 Option 1: Status Quo: Sub-ACL triggers will be set using the addendum process.

3.4.2 Option 2: Sub-ACL triggers will be set using the annual specification process.

4.0 Compliance

If the existing Atlantic herring management program is revised by approval of this draft addendum, the Atlantic Herring Section will designate dates by which states will be required to implement the Addendum. The compliance schedule will take the following format:

XXXXX: States must submit programs to implement Addendum VI for approval by the Atlantic Herring Section.

XXXXX: The Atlantic Herring Section approves state proposals.

XXXXX: All states must implement Addendum VI through their approved management programs. States may begin implementing management programs prior to this deadline if approved by the Atlantic Herring Section.

ATLANTIC STATES MARINE FISHERIES COMMISSION

SUMMARY OF PUBLIC COMMENTS FOR DRAFT ADDENDUM VI TO THE INTERSTATE FISHERIES MANAGEMENT PLAN FOR ATLANTIC HERRING

The comment period for Draft Addendum VI to the Interstate FMP for Atlantic Herring was open from the approval date of May 20 through July 19, 2013. No public comments were submitted to ASMFC via attendance at a public hearing, email, and mail. Three public hearings were held in three states: New Hampshire, Massachusetts, and Maine. Combined, 3 individuals (excluding staff) attended all hearings.

The following are summaries of public hearings and preferences for proposed measures in Draft Addendum VI. There was general support for the alternative options (i.e. Option 2) for all of the issues.

PUBLIC HEARINGS

Durham, NH

July 8, 2013

No attendees.

Rockland, ME

July 9, 2013

3 Meeting Participant: 0 specific comments

Two industry members (Mary Beth Tooley, Gary Hatch) and DMR staff (Matt Cieri) attended the hearing and provided general support for options 2 for each issue. There were no other comments specific to the draft addendum.

Issue 1: Seasonal Splitting of Quota for Areas 1B, 2, and 3

There was general support for **Option 2**: *Allow states to seasonally split the sub-ACLs in all management areas to maximize value to the Atlantic herring fisheries. The actual splits (amounts or percentages by months, trimesters, or seasons) would be set as part of the specifications process.*

Issue 2: Quota Rollover for All Management Areas

There was general support for **Option 2**: *Allow for up to 10% of unused quota in a management area to carry over to the first fishing season after final landings data are available, within that same management area, provided that the ACL is not exceeded for the entire fishery. The stock-wide ACL will not be changed from the annual specification. Unused quota may only be rolled from one season to the next within the same year. This adjustment for areas with unused quota is intended to provide some flexibility to the fishing industry.*

Issue 3: Harvest Control Measures: Trip Limit Triggers

There was general support for **Option 2:** *This option establishes triggers to close directed fisheries in a management area when 92% of the sub-ACL is projected to be reached, and then close the stock-wide fishery when 95% of the total ACL is projected to be reached. A 2,000 pound bycatch allowance will continue when the directed fishery is closed.*

Issue 4: Specification Process for Sub-ACL Triggers

There was general support for **Option 2:** *Sub-ACL triggers will be set using the annual specification process.*

Gloucester, MA

July 15, 2013

No attendees.

ATLANTIC STATES MARINE FISHERIES COMMISSION

Atlantic Herring Advisory Panel

Conference Call Summary:

Draft Addendum VI

July 22, 2013

11:00 – 11:30 AM

Present: Jeff Kaelin (NJ, AP Chair) Jenny Bichrest (ME), Peter Moore (ME), Mary-Beth Tooley (ME), Steve Weiner (MA), and Melissa Yuen (ASMFC Staff, FMP Coordinator).

Summary

The Atlantic Herring Advisory Panel (AP) held a conference call to review Draft Addendum VI to Amendment 2 to the Interstate Fishery Management Plan for Atlantic Herring. This addendum complements the New England Fishery Management Council's draft Framework Adjustment 2. The public comment period ended on July 19, and the Section will consider this draft addendum for final approval at the ASFMC Summer Meeting.

Overall, the present Advisory Panel members unanimously supported the alternative options for each issue because they are consistent with the New England Fishery Management Council's proposed management measures in Framework Adjustment 2. AP members who were not able to join the call were given an opportunity to provide comment via email. The AP's preferred options for the draft addendum and comments are listed below.

3.1 Seasonal Splitting of Quota for Areas 1B, 2, and 3

The AP supports **Option 2:** *Allow states to seasonally split the sub-ACLs in all management areas to maximize value to the Atlantic herring fisheries. The actual splits (amounts or percentages by months, trimesters, or seasons) would be set as part of the specifications process.*

3.2 Quota Rollover for All Management Areas

The AP supports **Option 2:** *Allow for up to 10% of unused quota in a management area to carry over to the first fishing season after final landings data are available, within that same management area, provided that the ACL is not exceeded for the entire fishery. The stock-wide ACL will not be changed from the annual specification. This adjustment for areas with unused quota is intended to provide some flexibility to the fishing industry.*

Comments: The last item in the provisions (i.e. "Unused quota may be rolled from one season to the next within the same year.") is confusing when listed as a provision, and makes more sense as part of the option. The FMP coordinator clarified that this provision is available for Area 1A, and was intended to allow the fishery to fully utilize the quota within a fishing year; if the quota

for one period was not fully utilized, it can be used later in the year. This provision was included at the request of a Section member during the Spring meeting review of the draft addendum.

3.3 Harvest Control Measures: Trip Limit Triggers

The AP supports **Option 2**: *This option establishes triggers to close directed fisheries in a management area when 92% of the sub-ACL is projected to be reached, and then close the stock-wide fishery when 95% of the total ACL is projected to be reached. A 2,000 pound bycatch allowance will continue when the directed fishery is closed.*

Comments: Some AP members questioned why a 92% trip limit trigger is necessary; the 95% trigger has worked since implementation in 2009 for Area 1A. The landings are reported weekly, and should be used to better track the utilization of quota. The FMP Coordinator informed the AP that the NEFMC proposed the additional 92% trigger as an extra safety measure. The AP noted that in recent years, there have been overages for Area 1A's quota, but are minimal (under 5%), and there are accountability measures in place to reduce the quota accordingly for the following year. The AP supports Option 2 because it is consistent with the Council's framework.

3.4 Specification Process for Sub-ACL Triggers

The AP supports **Option 2**: *Sub-ACL triggers will be set using the annual specification process.*

ATLANTIC STATES MARINE FISHERIES COMMISSION

Atlantic Herring Technical Committee

Conference Call Summary: Draft Addendum VI and Nantucket Shoals/Georges Bank Spawning Study July 22, 2013 2:00 – 2:30 PM

Present: Renee Zobel (NH F&G, TC Chair), Micah Dean (MA DMF), John Lake (RI DEM), Matt Cieri (ME DMR), Lori Steele (NEFMC), and Melissa Yuen (ASMFC).

Summary

The Atlantic Herring Technical Committee (TC) held a conference call to review Draft Addendum VI to Amendment 2 to the Interstate Fishery Management Plan for Atlantic Herring, and discuss the task for expanding the Nantucket Shoal/Georges Bank spawning study (motion passed on October 2012).

1. Draft Addendum VI

Draft Addendum VI complements the New England Fishery Management Council's Framework Adjustment 2. The public comment period ended on July 19, and the Section will consider this draft addendum for final approval at the ASFMC Summer Meeting.

Overall, the present TC members unanimously supported the alternative options for each of the issues because they are consistent with the Council's proposed management measures in Framework 2. The options supported by TC members are listed below.

3.1 Seasonal Splitting of Quota for Areas 1B, 2, and 3

The TC supports **Option 2:** *Allow states to seasonally split the sub-ACLs in all management areas to maximize value to the Atlantic herring fisheries. The actual splits (amounts or percentages by months, trimesters, or seasons) would be set as part of the specifications process.*

3.2 Quota Rollover for All Management Areas

The TC supports **Option 2:** *Allow for up to 10% of unused quota in a management area to carry over to the first fishing season after final landings data are available, within that same management area, provided that the ACL is not exceeded for the entire fishery. The stock-wide ACL will not be changed from the annual specification. Unused quota may only be rolled from one season to the next within the same year. This adjustment for areas with unused quota is intended to provide some flexibility to the fishing industry.*

3.3 Harvest Control Measures: Trip Limit Triggers

The TC supports **Option 2:** *This option establishes triggers to close directed fisheries in a management area when 92% of the sub-ACL is projected to be reached, and then close the stock-*

wide fishery when 95% of the total ACL is projected to be reached. A 2,000 pound bycatch allowance will continue when the directed fishery is closed.

3.4 Specification Process for Sub-ACL Triggers

The TC supports **Option 2:** *Sub-ACL triggers will be set using the annual specification process.*

2. Georges Bank/ Nantucket Shoals Offshore Spawning Study

The Atlantic Herring FMP Coordinator reminded the TC of the task set by the Section during the 2012 ASMFC Annual Meeting (October 2012). The task is to expand on the white paper¹ with 1) specific budget needs for resources, such as personnel and transport; 2) alternative sampling measures; and 3) possible management options for offshore spawning areas. The Section will consider the TC's advice if funding becomes available for this study. The task is due at the ASMFC Annual Meeting (October 2013).

The TC concluded that the existing sampling methods used for inshore spawning analysis would not apply to offshore sampling, because of the challenges of keeping samples fresh during the transport back to labs for analysis. States will need to design new sampling protocols for collecting fresh specimens in Area 3 (Georges Bank) for gonadosomatic indexing (GSI) before management options can be developed. Therefore, to fulfill the task, TC members will provide each state's budget estimates for the development of a new offshore sampling protocol, collection of samples, and analysis.

Comments include:

- TC members would like managers to clearly state their goals and objectives for the study and implementation of management measures.
- Currently, states' spawning research is used to inform management of inshore spawning areas. The fish must be fresh for accurate reading of the GSI. This presents a challenge for offshore sampling because it takes days to transport the fish. For the purposes of offshore sampling, the TC advises that a new sampling protocol needs to be designed, which requires staff and resources.
- Spawning behaviors in Georges Bank can be very different than inshore spawning events, which may require a whole different set of management measures. The TC cannot advise management options without an understanding of offshore spawning.
- A TC member questioned the use of state funding for offshore spawning research in federal waters. Priority should be placed on portside sampling.
- The Interjurisdictional Fisheries Act funding is typically used by states to fund ongoing programs, and should not be considered as additional funding for a new study on Georges Bank/ Nantucket Shoals spawning.

¹ Potential issues and considerations with Georges Bank/Nantucket Shoals offshore spawning area: Report to the Atlantic Herring Section from the Technical Committee (October 2012).