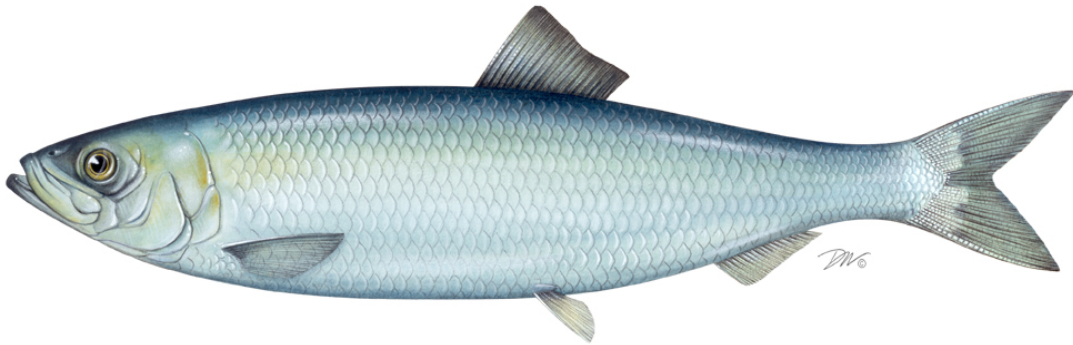


Atlantic States Marine Fisheries Commission

DRAFT ADDENDUM III TO THE INTERSTATE FISHERY MANAGEMENT PLAN FOR ATLANTIC HERRING FOR PUBLIC COMMENT

Proposed Revisions to Days Out Program and Quota Management



February 2020



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Atlantic States Marine Fisheries Commission Seeks Your Input on Atlantic Herring Management

The public is encouraged to submit comments regarding this document during the public comment period. Comments will be accepted until 5:00 p.m. on **March 25, 2020**. Regardless of when they were sent, comments received after that time will not be included in the official record.

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

1. Attend public hearings held in your state or jurisdiction.
2. Mail, fax, or email written comments to the following address:

Kirby Rootes-Murdy
1050 North Highland St., Suite 200 A-N
Arlington, VA 22201
Fax: (703) 842-0741
comments@asmfc.org (subject line: Atlantic Herring Draft Addendum III)

You may also refer comments to your state's members on the Atlantic Herring Management Board or Atlantic Herring Advisory Panel; however, only comments submitted to the Commission or given at a public hearing will be included in the public comment summary presented to the Board. If you have any questions, please call 703.842.0740.

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

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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.

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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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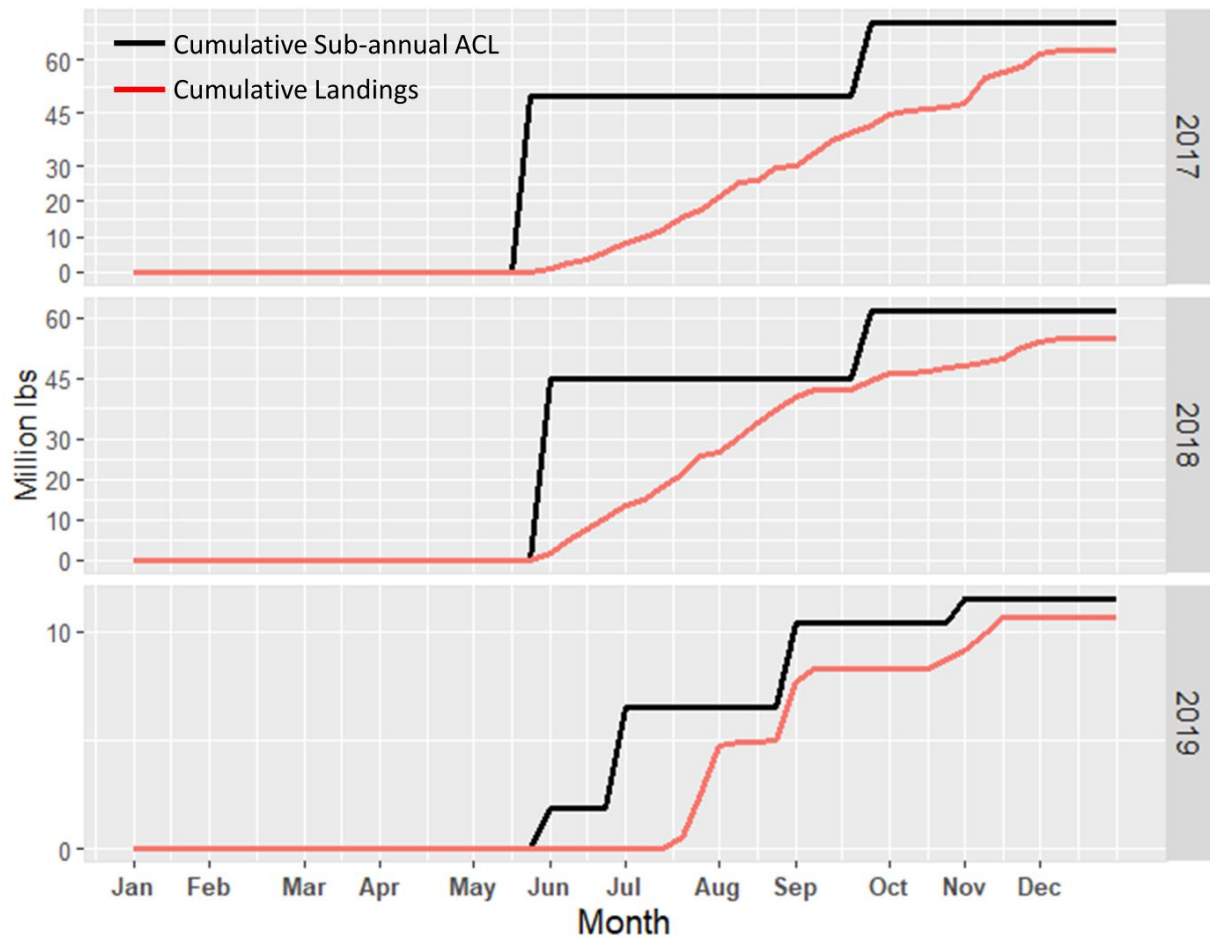


Figure 1. Atlantic herring landings relative to quota by month (2017-2019)

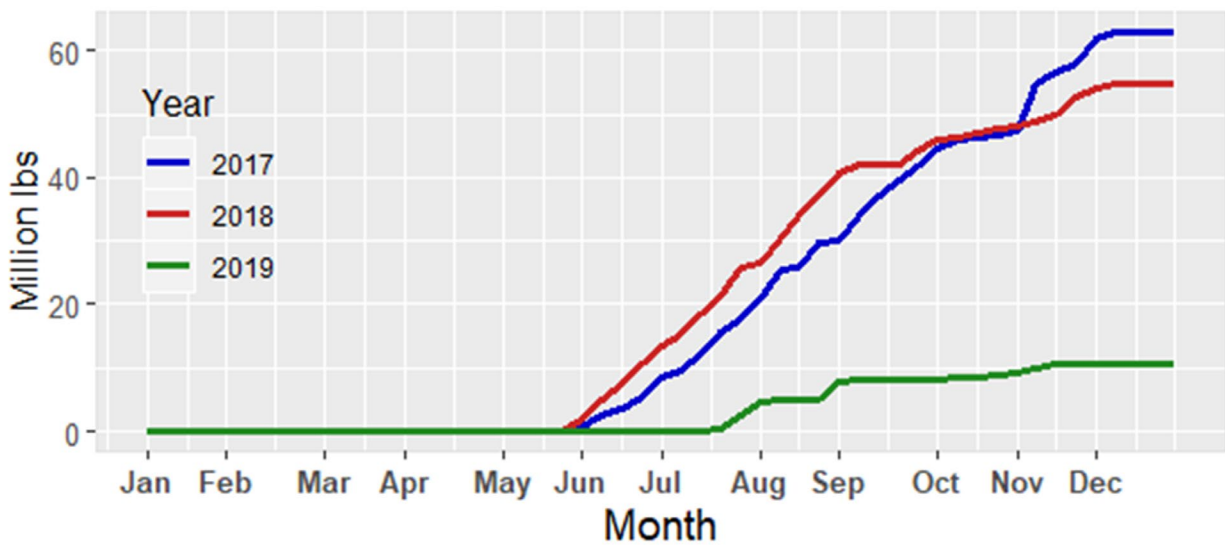


Figure 2. Atlantic herring landings by month (2017-2019)

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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.

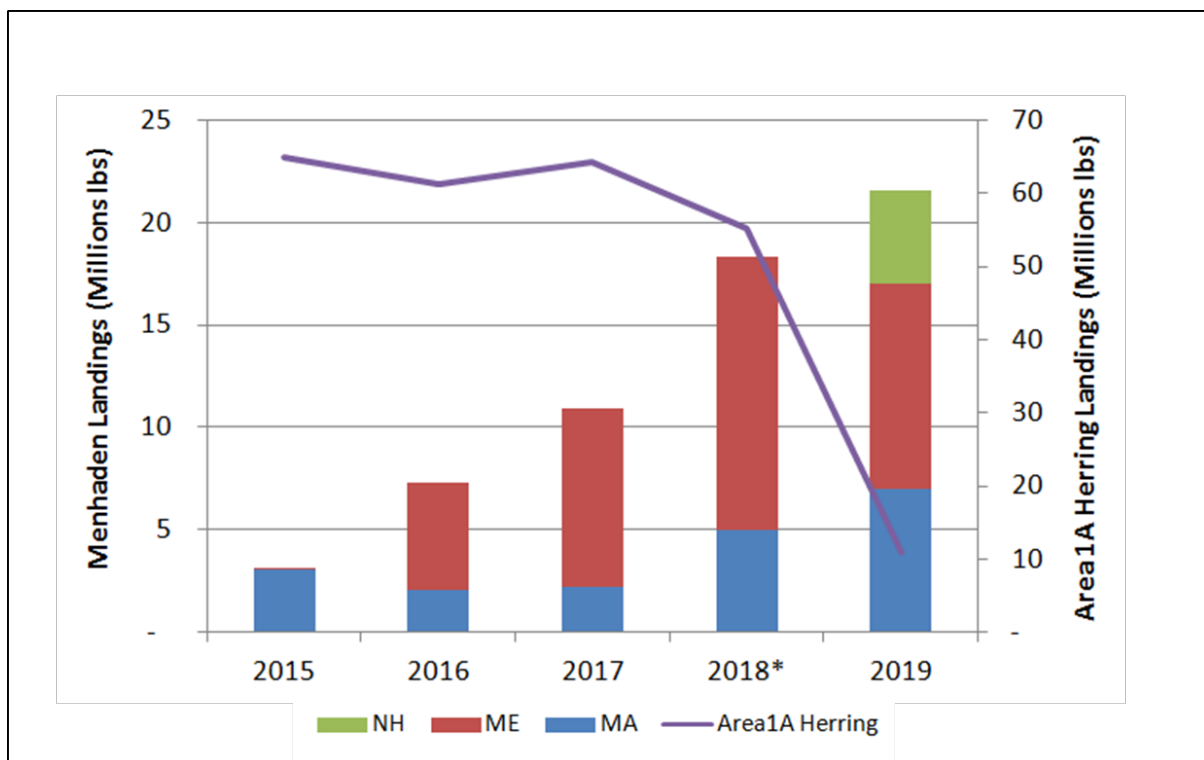


Figure 3. Annual menhaden landings by state and Area 1A herring landings

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.

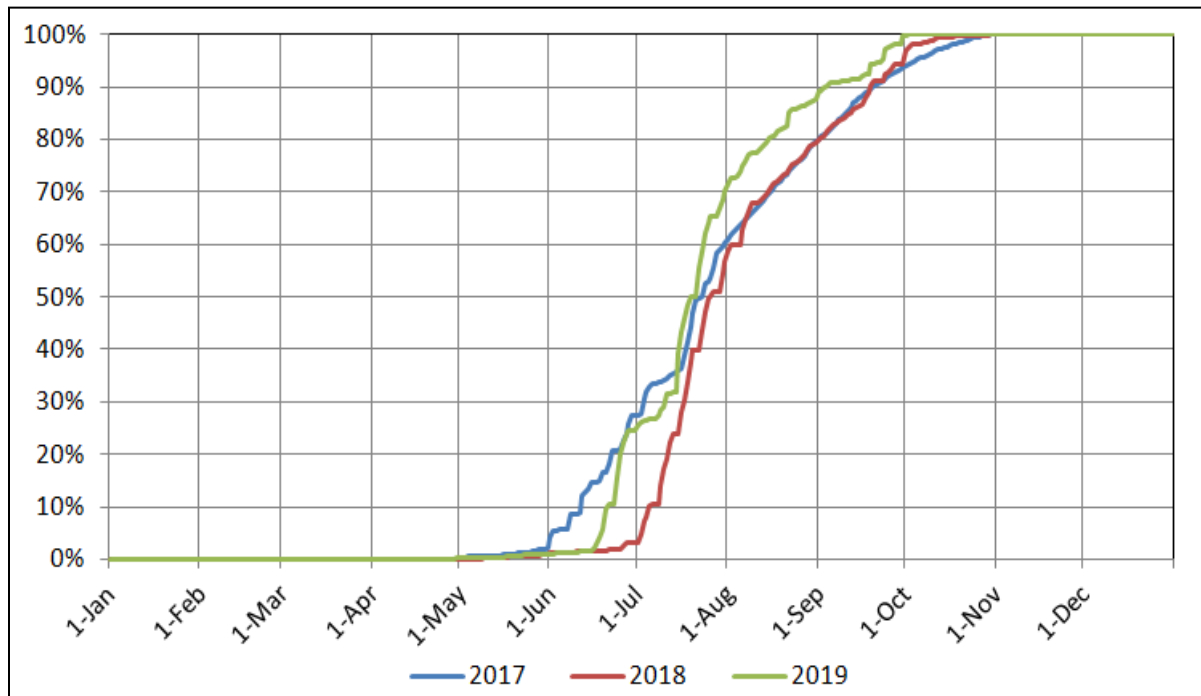


Figure 4. Cumulative Landings of Menhaden over fishing season 2017-2019

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.