

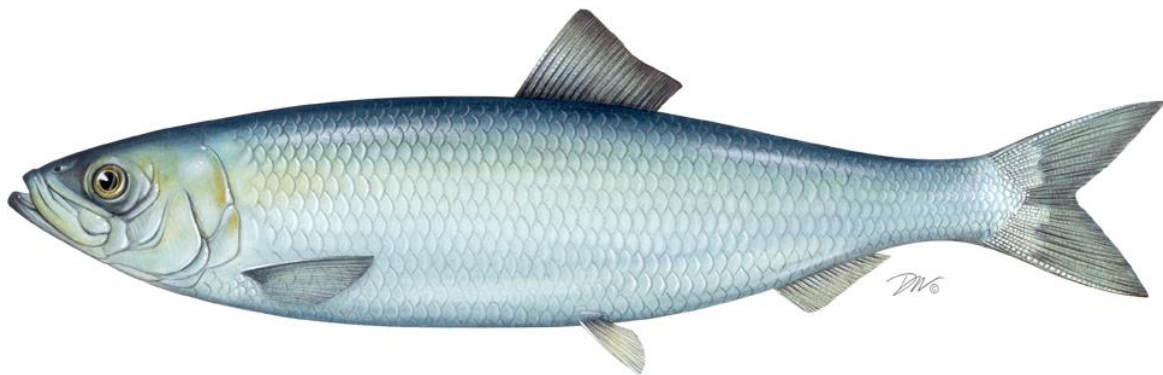
ATLANTIC STATES MARINE FISHERIES COMMISSION

REVIEW OF THE INTERSTATE FISHERY MANAGEMENT PLAN

FOR ATLANTIC HERRING

(Clupea harengus)

2021 FISHING YEAR



Prepared by the Atlantic Herring Plan Review Team

Approved June 14, 2022



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Table of Contents

I. Status of Fishery Management Plan	1
II. Status of the Stock	5
III. Status of the Fishery	6
2021 Fishing Season	8
Days Out Provisions	8
Spawning Area Closures.....	9
IV. Status of Research and Monitoring	10
V. Status of Assessment Advice	11
VI. Management Measures and Issues	11
VII. PRT Recommendations.....	12
IX. References	15
X. Figures.....	16
Appendix 1. Days Out and Spawning Closure Notices from 2021	18

I. Status of Fishery Management Plan

<u>Date of FMP Approval</u>	November 1993
<u>Amendments</u>	Amendment 1 (February 1999) Amendment 2 (March 2006) Amendment 3 (February 2016)
<u>Addenda</u>	Addendum I to Amendment 1 (July 2000) Technical Addendum #1A to Amendment I (October 2001) Addendum II to Amendment I (February 2002) Technical Addendum 1 to Amendment 2 (August 2006) Addendum I to Amendment 2 (March 2009) Addendum II to Amendment 2 (December 2010) Addendum V to Amendment 2 (October 2012) Addendum VI to Amendment 2 (August 2013) Addendum I to Amendment 3 (May 2017) Addendum II to Amendment 3 (May 2019)
<u>Management Unit</u>	US waters of the northwest Atlantic Ocean from the shoreline to the seaward boundary of the Exclusive Economic Zone (East Coast of Maine), and from the US/Canadian border to the southern end of the species range (Cape Hatteras, North Carolina).
<u>States With Declared Interest</u>	Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey
<u>Active Boards/Committees</u>	Atlantic Herring Management Board (Since August 2018; previously Section), Advisory Panel, Technical Committee, Stock Assessment Subcommittee, and Plan Review Team

Atlantic herring (*Clupea harengus*), also known as sea herring, are an oceanic fish that occur in large schools and undergo seasonal inshore-offshore migrations. Herring are important to the Northwest Atlantic ecosystem as a forage species and to the fishing industry as bait for lobster, blue crab, and tuna. To a lesser degree this resource also serves as a food, typically canned, pickled, or smoked. The U.S. Atlantic herring fishery is currently managed as a single stock through complementary plans by the Atlantic States Marine Fisheries Commission (ASMFC) and the New England Fishery Management Council (NEFMC).

The stockwide annual catch limit (ACL) is divided amongst four distinct management areas (Figure 1): 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, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York and New Jersey.

[Amendment 1 \(February 1999\)](#) was developed in order to maintain consistency between the ASMFC and NEFMC FMPs. This amendment establishes the same overfishing definition and biological reference points as the NEFMC, which were created under guidelines stipulated in the revised Magnuson-Stevens Fishery Conservation and Management Act prior to the 2006 re-authorization. The overfishing and biological reference points are based on an estimate of maximum sustainable yield (MSY) for the entire stock complex.

Amendment 1 also establishes “days out” control measures which prohibit directed fishing on Friday and Saturday when 50% of the TAC is projected to be harvested, Friday through Sunday when 75% of the TAC is projected to be harvested, and Thursday through Sunday when 90% of the TAC is projected to be harvested.

[Addendum I \(July 2000\)](#)

The Section developed Addendum I (to Amendment 1) to re-address the protection of spawning areas because NOAA Fisheries rejected the spawning closures in federal waters for Management Area 1A (inshore Gulf of Maine). Specifically, Addendum I redefines the state waters spawning areas outlined in Amendment 1. This addendum also changed the due date for annual state compliance reports to February 1st.

[Technical Addendum 1a \(October 2001\)](#)

The Section approved Technical Addendum #1a (to Amendment 1) to change the delineation of the Eastern Maine spawning boundary because the spawning aggregations were not adequately protected in 2000.

[Addendum II \(February 2002\)](#)

Addendum II (to Amendment 1) was developed in conjunction with the NEFMC’s Framework Adjustment I to allocate the Management Area 1A Total Allowable Catch (TAC) on a seasonal basis. Addendum II also specifies the procedures for allocating the annual Internal Waters Processing (IWP) quota.

[Amendment 2 \(March 2006\)](#)

Amendment 2 was developed in close coordination with the NEFMC as they developed Amendment 1 to the Federal Fishery Management Plan for Atlantic Herring. The NEFMC’s Amendment 1 is complementary to ASMFC Amendment 2 in that both documents’ goal is optimum yield through coordinated management between state and federal waters. Amendment 2 altered the management boundaries, set biological reference points, expanded on the TAC specification setting process, established research set-asides, altered days out measures, removed any allowance for fishing during spawning closures, and granted exemptions for east of Cutler fixed gear fishermen.

Changes to the management boundaries were based on recommendations from the 2003 TRAC to better reflect spawning distributions and minimize reporting errors. The new boundaries result in a larger boundary for Area 3.

The biological reference points, based on $MSY = 220,000$ metric tons (mt), give a measurable criteria for overfishing and overfished and allow management to determine if rebuilding efforts are necessary. The TAC process only changed slightly with Amendment 2. Amendment 2 allows analytical approaches other than those defined in Amendment 1 to establish area-specific TACs. These changes allow the TC to use the best available science when recommending TACs rather than binding them to methods that were the best when Amendment 1 was created. Another change to the TAC process under Amendment 2 is that the Section will set the TACs for three years with the flexibility to adjust in interim years.

Research set asides were established under Amendment 2 allowing up to 3% of an area to be designated for and allocated to research.

In addition to establishing a number of new management measures, Amendment 2 altered several measures enacted in Amendment 1. Default percentages for setting days out were removed to allow states adjacent to an area to meet and agree on which days to take out as best meets the needs of the fishery for that given year. The 20% spawning tolerance for directed fishing during spawning closures was removed and a “Zero-Tolerance” measure was enacted. Amendment 2 also granted exemptions for east of Cutler fixed gear fishermen from days out and spawning closure restrictions established in Amendment 1. These exemptions were granted because the east of Cutler landings are part of a New Brunswick stock and have been insignificantly small historically. These herring do not often migrate inshore until after the Area 1A TAC is harvested making exemptions the only way to protect this historical fishery. These landings are counted against the overall Area 1A TAC.

[Technical Addendum I \(August 2006\)](#)

Technical Addendum I was developed to clarify the intent of the “Zero Tolerance” spawning provision of Amendment 2. Some states were interpreting the zero tolerance to mean that you could still fish in an area closed to spawning as long as no spawn herring were present in the area. This addendum makes it clear that *any vessel is prohibited to fish for, take, land, or possess herring from or within a restricted spawning area.*

[Addendum I \(February 2009\)](#)

Addendum I (to Amendment 2) was developed to control effort in Area 1A using a combination of quotas, additional days out restrictions, and weekly state reporting requirements to effectively manage quota. Specifically, Addendum I allows states adjacent to Area 1A to select bimonthly, trimester, or seasonal quotas as best meets the needs of the fishery. States also have the flexibility to save quota from January – May and distribute it to later in the year when price and demand are often higher. Fishermen are restricted to one landing per day and state-only fishermen must report weekly in order to effectively manage quota.

[Addendum II \(December 2010\)](#)

Addendum II was designed to mirror the NEFMC Amendment 4 and changes the specifications’ definitions (and associated acronyms), modifies the process to set specifications, and establishes accountability measure (AM) paybacks. Under Addendum II, the overall quota is

now called an annual catch limit (ACL) and the quota allocated to each management area (Area 1A, 1B, 2, 3) is called a sub-ACL (previously TAC). In addition, if harvest in any area is exceeded, the sub-ACL will be reduced by an amount equal to the overage the first year after final landings are available.

NEFMC's Amendment 4 includes provisions to bring the Herring FMP into compliance with provisions of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. It changes the specification setting process and definitions to include an overfishing limit, acceptable biological catch, annual catch limits, and accountability measures, as well as involvement of a Science and Statistical Committee.

[Addendum V \(August 2012\)](#)

Addendum V refines and clarifies current spawning regulations without making significant changes. Specifically, Addendum V establishes when closures are triggered based on the percent of stage III – V spawn herring that are greater than or equal to 23 cm and increased the number of samples states are required to collect from 50 to 100 (states are currently sampling at this level). The Addendum replaces all spawning regulations in previous management documents to provide a single, clear document for states to use when complying with ASMFC spawning regulations.

[Addendum VI \(August 2013\)](#)

The Addendum improves alignment between state and federal Atlantic herring management by allowing the use of consistent tools across all four management areas of the species range. The Addendum's measures include (1) seasonal splitting of the annual catch limit sub-components (sub-ACLs) for Areas 1B, 2, and 3; (2) up to 10% carryover of a sub-ACL for all management areas; (3) the establishment of triggers to initiate the closing of directed fisheries; and (4) the use of the annual specification process to set triggers.

[Amendment 3 \(February 2016\)](#)

Amendment 3 refines the spawning closure system, modifies the fixed gear set-aside, and includes an empty fish hold provision contingent on federal adoption. The Amendment allows for the use of a modified GSI-based spawning monitoring system to track reproductive maturity in an effort to better align the timing of spawning area closures with the onset of spawning, which was tested and evaluated for effectiveness during the 2016 fishing season. Additionally, the fixed gear set-aside that was previously available to fixed gear fishermen exclusively only through November 1, is now accessible to them as long as the directed fishery is open. Amendment 3 consolidates prior amendments (and associated addenda) and recent management decisions into a single document; it is now the comprehensive document for Atlantic herring management in state waters.

[Addendum I \(May 2017\)](#)

Addendum I includes management measures intended to stabilize the rate of catch in the Area 1A fishery and distribute the seasonal quota throughout Trimester 2 (June through September), which has 72.8% of the season's allocation. For the 2017 fishing season, the addendum

established that the Section would separately address days out provisions for federal herring Category A vessels and small-mesh bottom trawl vessels with a federal herring Category C or D permit. In addition to landing restrictions associated with the days out program, Category A vessels are now prohibited from possessing herring caught from Area 1A during a day out of the fishery. Small-mesh bottom trawl vessels with a Category C or D permit must notify states of their intent to fish in Area 1A prior to June 1st. The addendum also implements a weekly harvester landing limit for vessels with a Category A permit for the 2017 fishing season. Forty-five days prior to the start of the fishing season, Category A vessels will notify states of their intent to fish in Area 1A, including a specification of gear type, to provide states with an estimate of effort to calculate the weekly landing limit. States may also either implement measures that herring caught in Area 1A can only be landed by the respective harvester vessel (i.e. no carrier vessels) or that herring carrier vessels are limited to receiving at-sea transfers from one harvester vessel per week and landing once per 24-hour period. Through the addendum, NOAA Fisheries granted access to vessel monitoring system-submitted daily catch report data for select staff in Maine, New Hampshire and Massachusetts to provide real-time data for the states to implement a weekly landing limit. The Section also approved continuing the use of the GSI30-based forecast system to determine spawning closures in Area 1A.

[Addendum II \(May 2019\)](#)

Addendum II strengthens spawning protections in Area 1A (inshore Gulf of Maine) by initiating a closure when a lower percentage of the population is spawning (from approximately 25% to 20%), and extending the closure for a longer time (from four to six weeks). The Addendum also modifies the trigger level necessary to reclose the fishery, with the fishery reclosing when 20% or more of the sampled herring are mature but have not yet spawned. These changes to spawning protections are in response to the results of the 2018 Benchmark Stock Assessment which showed reduced levels of recruitment and spawning stock biomass over the past five years, with 2016 recruitment levels the lowest on record.

II. Status of the Stock

A 2020 Management Track Assessment was peer reviewed in June 2020 (Wilberg et al. 2020) and indicates the stock is overfished while overfishing is not occurring. This is a change in stock status from the 2018 benchmark assessment (NEFSC 2018) which indicated the stock was not overfished and overfishing was not occurring. Spawning stock biomass (SSB) has been declining since 2014 and was estimated at 77,883 mt in 2019 (Figure 2). This 2019 estimate is the lowest value since the late 1980s and is below the SSB threshold of 134,500 mt. Fishing mortality (F) has declined since 2010 with a 2019 level of 0.25, the lowest value in nearly three decades and well below the overfishing threshold of 0.54. The assessment also indicates recruitment estimates are highly variable but have declined to record low levels since 2013.

The 2020 assessment used different methods to produce biological reference points (BRPs) and short-term projections. The BRPs were estimated using only the selectivity from the U.S. mobile fleet because the proportion of catch from the fixed gear fleet, which is predominantly Canadian, has increased significantly in recent years. The short-term projections include total

harvest from both fleets so that projected probabilities and stock status are informed by all stock removals.

The next management track assessment is expected in fall 2022.

III. Status of the Fishery

There is an Atlantic herring fishery in the United States and Canada. The U.S. Atlantic herring fishery is controlled by annual catch limits (ACL) set by NOAA Fisheries. The stockwide ACL is distributed among the four management areas. Specifications are set every three years and adjusted annually to account for overages or underages from the previous fishing season. Once 92% of the sub-ACL for an area is reached, the respective fishery is closed. The stockwide fishery closes when 95% of the total ACL is projected to be reached. Following a closure, there is a 2,000 lb trip limit to allow for incidental bycatch of Atlantic herring for the remainder of the fishing year. In addition to quota-based closures, the “days out” and spawning closure programs provide additional measures to control fishing effort.

For the 2021 fishing season, the Council and the Commission set the ACL at 10.6 million pounds (4,814 metric tons). The ACL was further subdivided into sub-ACLs by the Atlantic herring management areas as follows: Area 1A = 3.1 million pounds (1,391 mt), Area 1B = 0.46 million pounds (207 mt), Area 2 = 2.9 million pounds (1,338 mt), and Area 3 = 4.1 million pounds (1,877 mt). These specifications were later adjusted to account for catch overages and underages from 2019. The initial specification for the Area 1A sub-ACL of 1,391 mt increased by 218 mt due to the carryover of 5 percent of the 2019 Area 1A sub-ACL. After adjusting for this carryover, the 30 mt fixed gear set-aside, and the 8% buffer (Area 1A closes at 92% of the sub-ACL), the 2021 Area 1A sub-ACL was 1,453 mt. There was no research-set-aside for 2021 because the participants in the RSA program did not continue their RSA project in 2021. For 2021, the Area 1A sub-ACL was distributed seasonally with 72.8% of the quota available from June through September and 27.2% allocated from October through December.

The domestic Atlantic herring fishery is predominantly commercial; preliminary data indicate recreational harvest accounted for only 4% of landings in 2021. For the past five years (2017-2021), recreational harvest has accounted for an average 2.3% of total landings each year. Over the time series of 1950 to 2021, annual commercial landings by the United States Atlantic herring fleet averaged roughly 127.1 million pounds (57,652 mt) (ACCSP). Commercial landings generally increased from the early 1980s until landings peaked in 2006 at over 268 million pounds (over 121,563 mt). Since 2006, commercial landings have generally decreased and reached the lowest level in 2021, at just over 11 million pounds (just over 5,000 mt) (Figure 3).

Catch, in metric tons, from Area 1A is shown in Table 1a. Preliminary information from 2021 indicates that 2,884 mt were caught in Area 1A, representing 112% of the Area 1A sub-ACL. Since the directed fishery closes when 92% of an area’s sub-ACL is projected to be reached, the Area 1A fishery in state waters closed and landings were prohibited effective November 8 and the Area 1A fishery in federal waters closed effective November 11.

Table 1a: Area 1A catch, sub-ACL, and associated directed fishery closures from 2013-2021. 2021 data are preliminary. Source of catch information: NOAA Fisheries

Year	Area 1A Sub-ACL (mt)	Area 1A Catch (mt)	% Utilized	Area 1A Sub-ACL Closure
2013	29,775	29,454	99%	Oct-15
2014	33,031	32,898	100%	Oct-26
2015	30,585	28,861	94%	Nov-2
2016	30,524 [^]	27,806	91%	Oct-18
2017	32,115 [^]	28,682	89%	NA
2018	28,038	24,861	89%	NA
2019	5,223 [^]	4,916	94%	Nov-27
2020	4,244 [^]	4,353	103%	Nov-11 [±]
2021	2,579 [^]	2,884 ^{**}	112%	Nov-11 [±]

[^]Area 1A sub-ACL was increased by 1,000 mt during the season as required when the Canadian New Brunswick weir fishery lands less than a specified amount through October 1st. This action re-allocates 1,000 mt from the management uncertainty buffer to the Area 1A sub-ACL and ACL.

^{**}Preliminary landings data

[±]The Area 1A fishery in state waters closed and landings were prohibited effective Nov 9, 2020 and Nov 8, 2021, and the Area 1A fishery in federal waters closed effective Nov 11 in both years.

Catch, in metric tons, from all management areas is shown in Table 1b for the last three years. In 2021, Management Area 3 was closed to directed herring fishing effective April 1 through the end of the year. The Atlantic herring fishery in all management areas was closed effective November 25, 2021 through the end of the year as NOAA had projected that 95% of the total ACL to have been harvested.

Table 1b: Catch and sub-ACL for all management areas 1A, 1B, 2, and 3 from 2019-2021. 2021 data are preliminary. Source of catch information: NOAA Fisheries

Year	Area	Sub-ACL (mt)	Catch (mt)	% Utilized
2019	1A	5,223	4,916	94%
	1B	628	159	25%
	2	4,062	4,750	117%
	3	5,700	3,254	57%
	Overall	15,574	13,079	84%
2020	1A	4,244	4,353	103%
	1B	483	831	172%
	2	3,120	353	11%
	3	4,378	4,054	93%
	Overall	12,224	9,591	78%
2021	1A	2,579	2,884 ^{**}	112%
	1B	239	0 ^{**}	0%
	2	652	220 ^{**}	34%
	3	2,181	2,222 ^{**}	102%
	Overall	5,128	5,326^{**}	104%

^{**}Preliminary landings data

2021 Fishing Season

Based on preliminary data provided in state compliance reports, Maine and Massachusetts accounted for over 95% of the commercial Atlantic herring landings in 2021 (Table 2). Coastwide landings decreased by almost 50% from 2020, primarily due to less quota being available. Landings decreased for all states from 2020, with the exception of New Hampshire, which increased by 77%, and New York, which more than tripled; however, New York landings are still less than 1% of the coastwide total landings. Notably, landings in Maine decreased by over 57%, landings in Connecticut decreased by 87%, and landings in New Jersey also decreased significantly. The PRT noted that Atlantic herring landings can be variable in some states, particularly in Areas 2 and 3, dependent on the occurrence of mackerel trips.

Table 2. 2021 commercial landings by state and percent of total harvest. 2021 landings data are considered **preliminary** at this time. Source: State compliance reports.

	Commercial Landings (lbs)	Percent of Total
ME	4,903,850	>45%
NH	Confidential	<1%
MA	5,417,010	>49%
RI	388,540	>3%
CT	9,320	<1%
NY	79,213	<1%
NJ	Confidential	<1%

Days Out Provisions

Table 3 outlines the ‘days out’ program and effort control measures which were implemented in Area 1A in 2021. The Board implemented seasonal allocations for the 2021 fishery which allocated the Area 1A sub-ACL between Season 1: June-September (72.8%) and Season 2: October-December (27.2%). Maine, New Hampshire, and Massachusetts delayed the start of the fishery until June 13. Specifications for Season 1 established five (5) consecutive landing days a week for vessels with a Category A permit. The fishery moved to zero (0) landings days starting August 3 through September 30 as the harvest had reached 92% of the Season 1 allocation.

Due to the very low quota available, landings days were set at zero (0) for Season 2 starting October 1. Following the reallocation of 1,000 mt from the management uncertainty buffer to the Area 1A sub-ACL based on catch information from the Canadian New Brunswick weir fishery, the fishery moved to four (4) consecutive landing days per week starting November 8. The Area 1A fishery in state waters closed and landings were prohibited effective November 8 and the Area 1A fishery in federal waters closed effective November 11 as NOAA had projected that 92% of the Area 1A sub-ACL to have been harvested.

Table 3: 2021 ‘days out’ program for seasonal quota periods in Area 1A.

Seasonal quota periods	Date Effective	Consecutive Landing Days for Category A Permit	Weekly Landings Limit for Category A Permit	Poundage that can be Transferred to a Carrier Vessel
1	June 13*-Aug 2	5	240,000	0
	Aug 3-Sept 30	0	0	0
2	Oct 1-Nov 7	0	NA**	NA**
	Nov 8	4	NA**	NA**

*Zero landings days were specified for June 1 until the start of the fishery. Fishery did not begin until June 13 in all three Area 1A states (Maine, New Hampshire, and Massachusetts)

**Weekly Landing Limits and Carrier Vessel limits can only be specified through Sept 30

Spawning Area Closures

The Atlantic Herring Area 1A (inshore Gulf of Maine) fishery regulations include seasonal spawning closures for portions of state and federal waters in Eastern Maine, Western Maine and Massachusetts/New Hampshire. In 2017, the Commission’s Atlantic Herring Section permanently implemented the GSI₃₀ Based Forecast System for spawning closures in Area 1A. This forecasting method relies upon at least three samples, each containing at least 25 female herring in gonadal stages III-V, to trigger a spawning closure. If sufficient samples are not available, the spawning closure occurs on the default dates outlined in Amendment 3. As noted in the Status of the Fishery Management Plan section, Addendum II to Amendment 3 further modified the trigger for initiating a closure as well as the length of closures.

In 2021, the Eastern Maine spawning area closed on the default date of August 28th through October 9th, given there were no samples from the area at the time. The Western Maine and Massachusetts/New Hampshire spawning closed due to insufficient samples on the default date of September 23rd through November 3rd.

Massachusetts provided the following description of spawning area sampling efforts in their compliance report for 2021: Since quotas were further reduced in 2021, resulting in a truncated fishing season, and reduced access to fish being landed from Area 1A. As a result, MA DMF deployed gillnets in September and October and conducted GSI sampling on those fisheries-independent catches. Unfortunately, that sampling did not meet the required minimum sample size and the GSI sample was not able to inform the Area 1A Massachusetts/New Hampshire (MA/NH) spawning closure. Maine DMR was unable to collect and analyze a MA/NH spawning sample, and thus the default closure of September 23 was implemented. A sample collected and stored in 2021 to supplement ME DMR’s commercial portside sampling program was delivered for further analysis. Landings of summer/fall offshore spawning herring (Management Area 3) were not available due to the quota being fully caught by April.

IV. Status of Research and Monitoring

Under Amendment 3, states are not required to conduct fishery independent surveys for Atlantic herring. However, state survey programs designed to catch other species may encounter herring regularly, so some states do collect biological information on Atlantic herring. A summary of these surveys results follow. The PRT notes that many fishery monitoring efforts in 2020-2021 were impacted due to the COVID-19 pandemic, including fishery-independent surveys.

Maine and New Hampshire: The states jointly operate an inshore bottom trawl survey in the spring and fall that is designed to catch groundfish, but regularly encounters Atlantic herring. In 2021, the survey reported Atlantic herring observations during both the Spring and Fall surveys. In the Spring 2021 survey, Atlantic Herring were caught in 88 of the 117 tows, and a maximum of 15,350 were caught in one tow. In the Fall survey, Atlantic Herring were caught in 54 of the 89 tows, and a maximum of 17,373 were caught in one tow.

Maine Department of Marine Resources also conducts commercial portside catch sampling. In 2021, 13 sampling events occurred, covering purse seine, mid-water trawl, and small-mesh bottom trawl trips. The number of sampling events was a decline from 2020 levels (25) which represents the reduced effort of the fishery due to decreased sub-ACLs.

New Hampshire Fish and Game Department also conducts a juvenile finfish seine survey in the Great Bay, its tributaries, and other coastal harbors. In 2021, 2,410 Atlantic herring were observed during the months of June through November.

Massachusetts Division of Marine Fisheries (MA DMF) has conducted river herring bycatch avoidance under the 2019-2021 herring RSA. Insufficient funding from the Atlantic Herring Research Set-Aside (RSA) discontinued the river herring bycatch avoidance program for 2021, the final year of the 2019–2021 RSA award. Collaborators from MA DMF, SMAST and NOAA Cooperative Research consented to terminate the project. A final report was submitted in June 2021.

The continued training of samplers for the federal portside sampling program, administered by the NOAA Fisheries Sampling Branch, was aided by MA DMF staff. In 2020 and early 2021 infrastructure improvements were made that ensured safe access to portside offloads of herring and mackerel. These improvements were possible due to funding made available by ASMFC. Additionally, MA DMF staff continued to assist with the development of sampling protocols and training materials. MA DMF staff were panelists during multiple portside sampler trainings in 2021.

Rhode Island Division of Fish & Wildlife conducts a Seasonal Trawl Survey to develop abundance indices for Atlantic herring. The survey is conducted seasonally (spring/fall) in Rhode Island and Block Island Sound and monthly in Narragansett Bay. Fishery-independent monitoring for 2021 indicated low biomass and abundance of Atlantic herring in Rhode Island waters compared with recent years. In 2021, Atlantic herring were observed in the spring

seasonal trawl survey and mainly in January and February in the monthly trawl survey. The relative biomass and abundance values for 2021 were below the 2017-2021 mean for both the spring survey and the monthly survey. Please note that monthly trawl survey estimates do not include tows done in November and December, as these data were not entered at the time of reporting.

Connecticut Department of Energy and Environmental Protection monitors Atlantic herring through the Long Island Sound Trawl Survey (LISTS), which is conducted each spring and fall since 1984. In 2021 April was not sampled and thereafter a reduced number of sites were selected and sampled while adhering to the stratified random design of the Survey. The 2021 Atlantic spring index is 0.25 fish/tow or about 77% less than the previous ten years and 86% lower than the time series average (1.75 fish/tow). Most of LISTS catches typically have occurred in the month of April, prior to herring leaving the Sound. However, warming water temperatures in Long Island Sound particularly have affected the timing of Atlantic herring leaving, and this is likely the main driver of recent lower Survey catches.

New York has *de minimis* status and does not conduct directed monitoring of Atlantic herring.

New Jersey Division of Fish and Wildlife monitors Atlantic herring through the New Jersey Ocean Trawl Survey, which collects samples during five surveys conducted throughout the year between Sandy Hook, NJ and Cape Henlopen, Delaware. In 2021, due to the COVID-19 pandemic all ocean trawl surveys were cancelled. The last time sampling occurred was January of 2020. That survey yielded 667.16 pounds (2,181 individuals) of Atlantic herring.

V. Status of Assessment Advice

Research recommendations from the [2020 management track assessment](#) (Wilberg et al. 2020)¹ and the [2018 benchmark stock assessment](#) (NEFSC 2018)² are listed in the final stock assessment reports starting on p.5 of the 2020 management track assessment peer review report and p.517 of the benchmark stock assessment report.

VI. Management Measures and Issues

Amendment 3 to the Interstate Fishery Management Plan for Atlantic Herring lists the following state regulatory requirements:

1. Each jurisdiction shall prohibit the landing of herring when the management area sub-ACL has been attained.
2. Vessels are prohibited from landing more than 2,000 lbs. of Atlantic herring from Area 1A when the fishery is closed, during a 'day out' or during spawning closures.
3. Jurisdictions will close the directed fishery when 92% of a management area's sub-ACL is projected to be harvested.

¹ https://s3.amazonaws.com/nefmc.org/2020-Management-Track-Assessment-Report-Revised-8-12-2020_508.pdf

² <https://repository.library.noaa.gov/view/noaa/22729>

4. Each jurisdiction must enact spawning area restrictions that are at least as restrictive as those in Section 4.2.6.
5. States adjacent to Area 1A will implement days out restrictions as identified in Section 4.2.4.1.
6. States are required to implement weekly reporting by all non-federally permitted fishermen on Atlantic herring (including mobile and fixed gear).
7. Any herring vessel transiting a management area that is under a herring spawning closure or a 'day out' must have all of its fishing gear stowed.
8. The harvest of herring for the primary purpose of reduction to meal or meal-like product is prohibited.
9. Internal Water Processing operations will be prohibited from processing herring caught in all state waters.

VII. PRT Recommendations

State Compliance

All states with a declared interest in the management of Atlantic herring have submitted compliance reports and have regulations in place that meet or exceed the requirements of the Interstate Fisheries Management Plan for Atlantic Herring as described in Amendment 3.

Request for *De Minimis* Status

A state may be eligible for *de minimis* status if its combined average of the last three years of commercial landings (by weight) constitute less than one percent of the coastwide commercial landings for the same three-year period.

New York has requested *de minimis* status and meets the requirements. The state's 2019-2021 combined average commercial landings (39,122 pounds) is less than 1% of coastwide commercial landings during the same three year period.

Research and Monitoring Recommendations

The PRT recognizes the decreasing capacity for fishery-dependent data collection over the past few years, due largely to limited resources and low catch levels. It is important for the Board to recognize this challenge and discuss, as needed, how to move forward with sampling the fishery in a low capacity scenario. A near-term challenge for continued Board discussion is the loss of ACCSP funding for the Maine Department of Marine Resources' Atlantic herring portside commercial sampling program (current ACCSP funding likely ending in 2023). The ME DMR portside sampling program collects and processes biological and bycatch samples from Atlantic herring commercial landings along the coast, which informs stock assessments and management, including the Area 1A spawning closure dates.

The PRT also noted some states heard anecdotally from industry about observations of smaller size herring in state waters in 2021. The PRT will continue to discuss survey data submitted by states each year, and encourages states to note year-over-year changes and observations in the monitoring sections of the compliance reports.

In addition to the research recommendations outlined in the 2018 and 2020 stock assessments, the Plan Development Team (PDT) has previously recommended the following categorized research recommendations, which have been included in past FMP Review Reports. The PRT noted these recommendations are still relevant but are not specific to an immediate management or compliance concern, and therefore do not require Board action in 2022. The PRT recommends the TC and/or PDT review these research recommendations in light of the following the 2022 stock assessment.

Fishery-Dependent Priorities

High

- Investigate bycatch and discards in the directed herring fishery through both at-sea and portside sampling.
- Continue commercial catch sampling of Atlantic herring fisheries according to ACCSP protocols.

Fishery-Independent Priorities

High

- Expand monitoring of spawning components.

Low

- Continue to utilize the inshore and offshore hydroacoustic and trawl surveys to provide a fishery-independent estimation of stock sizes. Collaborative work between NMFS, DFO, state agencies, and the herring industry on acoustic surveys for herring should continue to be encouraged.

Modeling / Quantitative Priorities

Moderate

- Conduct simulation studies to evaluate ways in which various time series can be evaluated and folded into the assessment model.
- Develop new approaches to estimating recruitment (i.e., juvenile abundance) from fishery-independent data.
- Examine the possible effects of density dependence (e.g., reduced growth rates at high population size) on parameter estimates used in assessments.

Low

- Conduct a retrospective analysis of herring larval and assessment data to determine the role larval data plays in anticipating stock collapse and as a tuning index in the age structured assessment.
- Investigate the M rate assumed for all ages, the use of CPUE tuning indices, and the use of NEFSC fall bottom trawl survey tuning indices in the analytical assessment of herring.

Life History, Biological, and Habitat Priorities

Moderate

- Continue tagging and morphometric studies to explore uncertainties in stock structure and the impacts of harvest mortality on different components of the stock. Although tagging studies may be problematic for assessing survivorship for a species like herring, they may be helpful in identifying the stock components and the proportion of these components taken in the fishery on a seasonal basis.

Low

- Research depth preferences of herring.

Management, Law Enforcement, and Socioeconomic Priorities

High

- Continue to organize annual US-Canadian workshops to coordinate stock assessment activities and optimize cooperation in management approaches between the two countries.

Moderate

- Develop a strategy for assessing individual spawning components to better manage heavily exploited portion(s) of the stock complex, particularly the Gulf of Maine inshore spawning component.
- Develop socioeconomic analyses appropriate to the determination of optimum yield.
 - During the PRT's 2021 discussion of this recommendation, the PRT recognized the ongoing work of the ASMFC Committee on Economics and Social Sciences (CESS) and ASMFC Risk and Uncertainty Workgroup to incorporate socioeconomic criteria into the Risk and Uncertainty Decision Tool (currently under development). The PRT recommends tracking the development of this tool and considering future application to Atlantic herring management.

Low

- Develop economic analyses necessary to evaluate the costs and benefits associated with different segments of the industry.
 - During the PRT's 2021 discussion of this recommendation, the PRT specified that costs and benefits of management decisions on different segments (e.g. gear types) of the herring industry and on other fisheries that rely on herring as bait should be evaluated. The PRT noted the importance of considering the state-level economic data that would be required to conduct these analyses for non-federal fishing activity.

IX. References

Northeast Fisheries Science Center (NEFSC). 2018. 65th Northeast Regional Stock Assessment Workshop (65th SAW) Assessment Report. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 18-11; 659 p.

Wilberg, M., E. Houde, and F. Serchuk. 2020. 2020 Management Track Peer Review Committee Report. NOAA Fisheries. 17p.

X. Figures

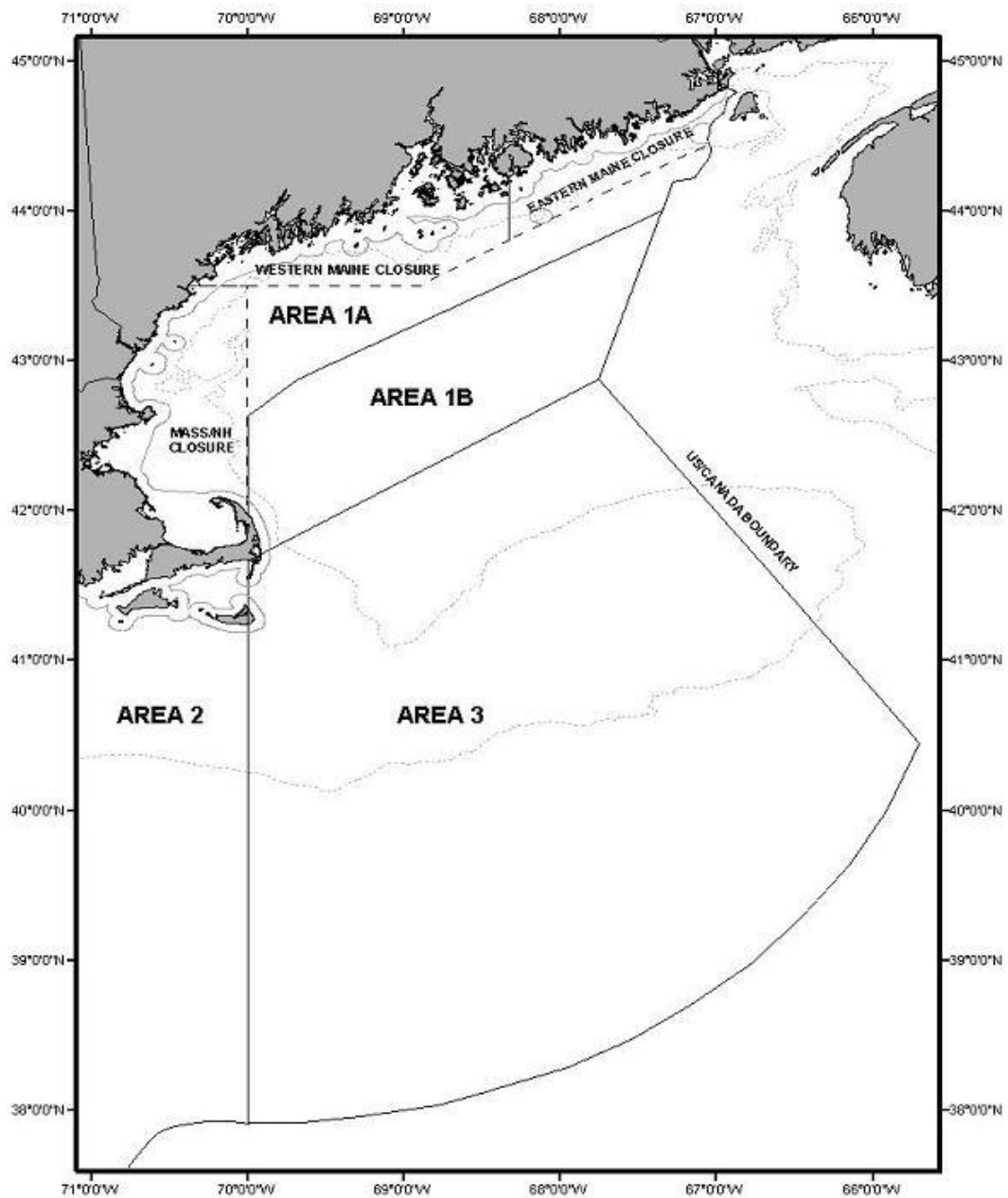


Figure 1. Map of Atlantic herring management areas with boundaries and the three spawning areas are within Area 1A, the inshore region of Gulf of Maine.

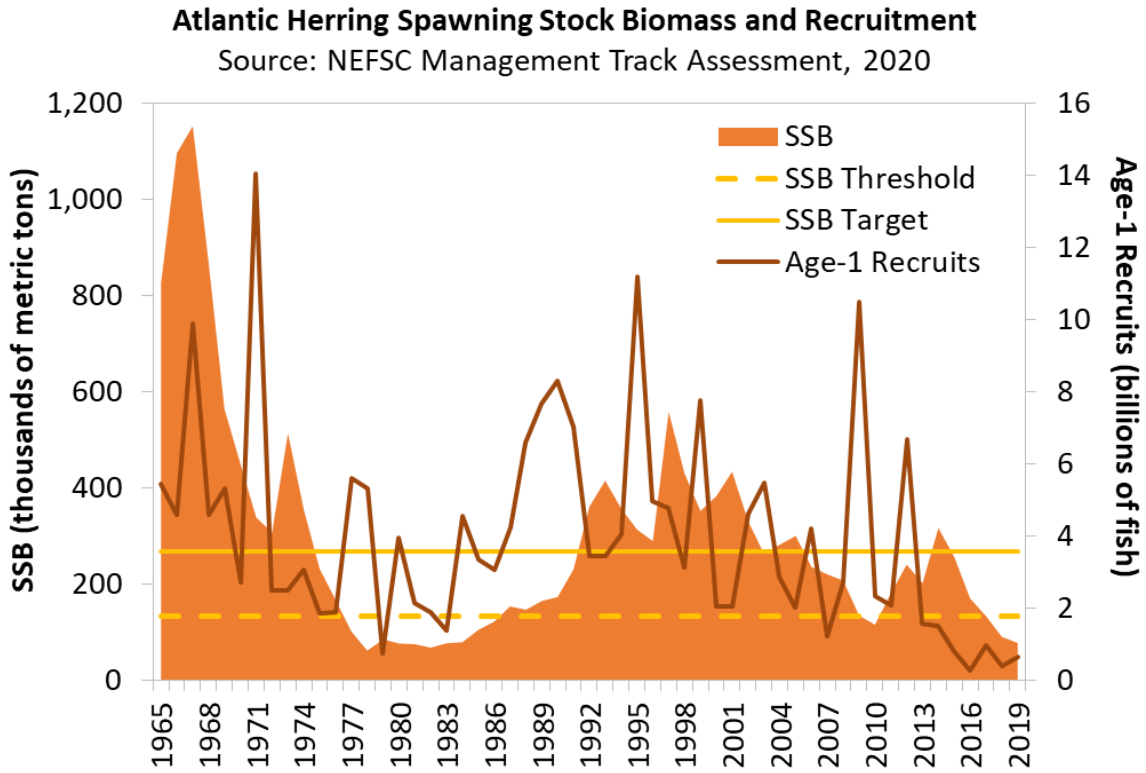


Figure 2. Spawning stock biomass and recruitment from 1965 to 2019. Source: 2020 Management Track Assessment

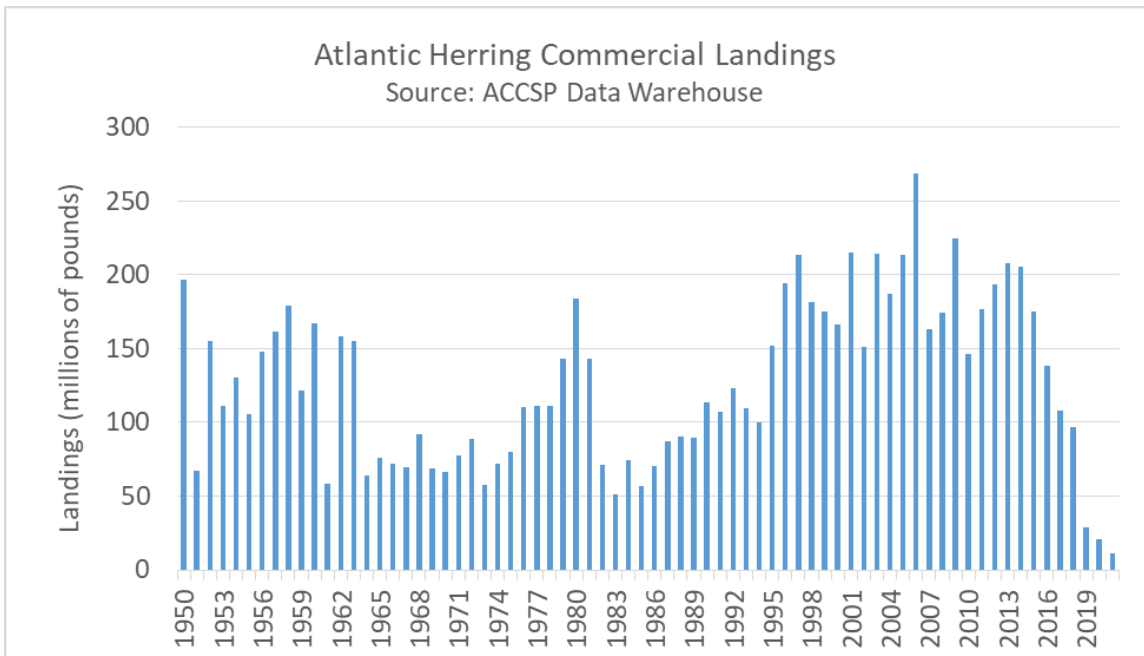


Figure 3. Commercial Atlantic herring landings by the U.S. fleet from 1950-2021. Source: ACCSP

Appendix 1. Days Out and Spawning Closure Notices from 2021

2021 days out and spawning closure notices are enclosed in the following pages.



Atlantic States Marine Fisheries Commission

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

MEMORANDUM

TO: Atlantic Herring Management Board, Atlantic Herring Technical Committee, Atlantic Herring Advisory Panel, Interested Parties

FROM: Toni Kerns, ISFMP Director *TMK*

DATE: April 23, 2021

SUBJECT: Area 1A 2021 Effort Controls

The Atlantic States Marine Fisheries Commission's Atlantic Herring Management Board members from Maine, New Hampshire, and Massachusetts set the effort control measures for the 2021 Area 1A (inshore Gulf of Maine) fishery for June 1 – September 30.

The Area 1A sub-annual catch limit (ACL) is 1,453 metric tons (mt) after adjusting for the carryover from 2019, the 30 mt fixed gear set-aside, and the fact that Area 1A closes at 92% of the sub-ACL. In October 2020, the Board established the following seasonal allocations for the 2021 Area 1A sub-ACL: 72.8% available for season 1 (June 1 – September 30) and 27.2% available for season 2 (October 1 – December 31).

2021 Atlantic Herring 1A Quota (in mt) Allocation by Season

Season	1A Quota
1. June 1-September 30	1,058 mt
2. October 1-December 31	395 mt

Days Out of the Fishery

- Landing days will be set at zero from June 1 until the start of the fishery on June 13 at 6:00 p.m.
- Vessels with an Atlantic herring Limited Access Category A permit that have declared into the Area 1A fishery may land herring five (5) consecutive days a week. One landing per 24 hour period. Vessels are prohibited from landing or possessing herring caught from Area 1A during a day out of the fishery.
- Landing days begin on Sunday of each week at 6:00 p.m. starting June 13.

Weekly Landing Limit

- Vessels with an Atlantic herring Category A permit may harvest up to 240,000 lbs. (6 trucks) per harvester vessel, per week starting June 13.

At-Sea Transfer and Carrier Restrictions

The following applies to harvester vessels with an Atlantic herring Category A permit and carrier vessels landing herring caught in Area 1A to a Maine, New Hampshire, or Massachusetts port.

M21-55

- A harvester vessel may transfer herring at-sea to another harvester vessel.
- A harvester vessel may not make any at-sea transfers to a carrier vessel.
- Carrier vessels may not receive at-sea transfers from a harvester vessel.

Fishermen are prohibited from landing more than 2,000 pounds of Atlantic herring per trip from Area 1A until June 13, 2021 at 6:00 p.m. Landings will be closely monitored and the fishery will be adjusted to zero landing days when the season 1 quota is projected to be reached.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org or 703.842.0740.

Motions

Move to implement a 6 truck weekly landing limit and 5 landing days for Category A vessels.

Motion made by Ms. Ware and seconded by Ms. Griffin. Motion passes by consensus.

Main Motion

Move to implement zero landing days before June 13 at 6 p.m.

Motion made by Mr. White and seconded by Ms. Ware. Motion passes by consensus.

Motion to Amend

Move to implement zero landing days before June 27 at 6 p.m.

Motion made by Ms. Griffin and seconded by Ms. Ware. Motion to amend fails due to lack of consensus.

Move to allow harvester to harvester transfers but not allow transfer to carriers.

Motion made by Ms. Ware and seconded by Mr. Abbott. Motion passes by consensus.



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MEMORANDUM

TO: Atlantic Herring Management Board, Advisory Panel, Technical Committee, Interested Parties

FROM: Toni Kerns, ISFMP Director *TMK*

DATE: August 2, 2021

SUBJECT: Atlantic Herring Area 1A Fishery Moves to Zero Landing Days for Season 1 on August 3, 2021

The Area 1A (inshore Gulf of Maine) Atlantic herring fishery is projected to have harvested 92% of the Season 1 (June 1 – September 30) allocation by August 3, 2021. Beginning at 12:01 a.m. on Tuesday, August 3, 2021, the Area 1A fishery will move to zero landing days through September 30, 2021, as specified in Amendment 3 to the Interstate Fishery Management Plan for Atlantic Herring.

Vessels participating in other fisheries may not possess more than 2,000 pounds of Atlantic herring per trip per day harvested from Area 1A. In addition, all vessels traveling through Area 1A must have all seine and mid-water trawl gear stowed.

Atlantic Herring Management Board members from Maine, New Hampshire, and Massachusetts are expected to reconvene in September via conference call to set effort controls for the 2021 Area 1A fishery for Season 2 (October 1 – December 31). An announcement will be issued once the meeting is scheduled.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at 703.842.0740 or efranke@asmfc.org.



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MEMORANDUM

TO: Atlantic Herring Management Board, Advisory Panel, Technical Committee, Interested Parties

FROM: Toni Kerns, Fisheries Policy Director TKK

DATE: August 23, 2021

SUBJECT: Atlantic Herring Eastern Maine Spawning Closure in Effect Starting August 28, 2021 through October 9, 2021

The Atlantic herring Area 1A (inshore Gulf of Maine) fishery regulations include seasonal spawning closures for portions of state and federal waters in Eastern Maine, Western Maine and Massachusetts/New Hampshire. The Commission's Atlantic Herring Management Board approved a forecasting method that relies upon at least three samples, each containing at least 25 female herring in gonadal stages III-V, to trigger a spawning closure. However, if sufficient samples are not available then closures will begin on predetermined dates.

There are currently no samples from the Eastern Maine spawning area to determine spawning condition. Therefore, per Addendum II default closure dates, the Eastern Maine spawning area will be closed starting at 12:01 a.m. on August 28, 2021 extending through 11:59 p.m. on October 9, 2021. The Eastern Maine spawning area includes all waters bounded by the following coordinates:

Maine coast 68° 20' W
43° 48' N 68° 20' W
44° 25' N 67° 03' W
North along the US/Canada border

Vessels in the directed Atlantic herring fishery cannot take, land or possess Atlantic herring caught within the Eastern Maine spawning area during this time. The incidental bycatch allowance of up to 2,000 pounds of Atlantic herring per trip per day applies to vessels in non-directed fisheries that are fishing within the Eastern Maine spawning area. In addition, all vessels traveling through the Eastern Maine spawning area must have all seine and mid-water trawl gear stowed.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at 703.842.0740 or efranke@asmfc.org.



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MEMORANDUM

TO: Atlantic Herring Management Board, Advisory Panel, Technical Committee, Interested Parties

FROM: Toni Kerns, Policy Director *TMK*

DATE: September 17, 2021

SUBJECT: Atlantic Herring Western Maine and Massachusetts/New Hampshire Spawning Closures in Effect Starting September 23, 2021 through November 3, 2021

The Atlantic herring Area 1A (inshore Gulf of Maine) fishery regulations include seasonal spawning closures for portions of state and federal waters in Eastern Maine, Western Maine and Massachusetts/New Hampshire. The Commission's Atlantic Herring Management Board approved a forecasting method that relies upon at least three samples, each containing at least 25 female herring in gonadal stages III-V, to trigger a spawning closure. However, if sufficient samples are not available then closures will begin on predetermined dates.

There are currently no samples from either the Western Maine spawning area or the Massachusetts/New Hampshire spawning area. Therefore, per Addendum II default closure dates, the Western Maine and Massachusetts/New Hampshire spawning areas will be closed starting at 12:01 a.m. on September 23, 2021 extending through 11:59 p.m. on November 3, 2021. The Western Maine spawning area includes all waters bounded by the following coordinates:

43° 30' N Maine coast
43° 30' N 68° 54.5' W
43° 48' N 68° 20' W
North to Maine coast at 68° 20' W

The Massachusetts/New Hampshire spawning area includes all waters bounded by the Massachusetts, New Hampshire and Maine coasts, and 43° 30' N and 70° 00' W.

Vessels in the directed Atlantic herring fishery cannot take, land or possess Atlantic herring caught in either the Western Maine or Massachusetts/New Hampshire spawning areas during this time and must have all fishing gear stowed when transiting through the area. The incidental bycatch allowance of up to 2,000 pounds of Atlantic herring per trip per day applies to vessels in non-directed fisheries that are fishing within the Western Maine or Massachusetts/ New Hampshire spawning areas.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at 703.842.0740 or efranke@asmfc.org.

M21-107




Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Atlantic Herring Management Board, Atlantic Herring Technical Committee,
Atlantic Herring Advisory Panel, Interested Parties

FROM: Toni Kerns, Policy Director 

DATE: September 28, 2021

SUBJECT: Days Out Measures for Season 2 of the 2021 Area 1A Fishery

The Atlantic States Marine Fisheries Commission's Atlantic Herring Management Board members from Maine, New Hampshire, and Massachusetts met September 24 via conference call to set effort control measures for the 2021 Area 1A (inshore Gulf of Maine) fishery for Season 2 (October 1 – December 31). The Season 2 quota is approximately 184 metric tons (mt), which is 27.2% of the Area 1A sub-annual catch limit (ACL) after adjusting for the 30 mt fixed gear set-aside, a slight overage from Season 1, and the 8% buffer (since the Area 1A fishery closes at 92% of the sub-ACL). Due to the very low quota, the days out measures for Season 2 are as follows:

- Landing days will be set at zero (0) for Season 2.

If quota is reallocated from the Canadian weir fishery to the U.S. Area 1A sub-ACL, a days out meeting will be scheduled to consider adjusting the landing days.

Harvesters are prohibited from landing more than 2,000 pounds of Atlantic herring per trip from Area 1A during Season 2.

Please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org or 703.842.0740 for more information.

Motions

Move to set zero landing days for Season 2. If quota is reallocated from the Canadian weir fishery to the US Area 1A sub-ACL, a days out meeting will be scheduled.

Motion by Ms. Ware. Motion approved by consensus.



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Atlantic Herring Management Board, Atlantic Herring Technical Committee,
Atlantic Herring Advisory Panel, Interested Parties

FROM: Robert Beal, Executive Director *REB*

DATE: November 4, 2021

SUBJECT: Atlantic Herring Area 1A Fishery Moves to Four Landing Days Per Week Starting
November 8

The Atlantic States Marine Fisheries Commission's Atlantic Herring Management Board members from Maine, New Hampshire, and Massachusetts met November 4 via webinar to consider changes to days out measures for the 2021 Area 1A fishery for Season 2 (October through December) following the reallocation of 1,000 metric tons (mt) from the management uncertainty buffer to the Area 1A sub-annual catch limit (sub-ACL) based on catch information from the New Brunswick weir fishery.

The Area 1A fishery will move to four (4) consecutive landing days per week starting November 8 at 12:01 a.m. Fishing for and possessing herring onboard prior to November 8 is allowed in accordance with published state regulations.

Estimates indicate approximately 1,083 mt of the Area 1A sub-ACL remains available to harvest, which accounts for the increase of 1,000 mt based on catch information from the New Brunswick weir fishery, the overage from Season 1 (June through September), the 30 mt fixed gear set-aside, and the 8% buffer (Area 1A closes at 92% of the sub-ACL).

Please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org or 703.842.0740 for more information.

Motions

Move to set four landing days starting at 12:01am on Monday November 8. Fishing for and possessing herring onboard prior to November 8 is allowed in accordance with published state regulations.

Motion by Ms. Ware, second by Mr. White. Motion approved by consensus.



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Atlantic Herring Management Board, Technical Committee, Advisory Panel, Interested Parties

FROM: Toni Kerns, Policy Director *TMK*

DATE: November 8, 2021

SUBJECT: Directed Atlantic Herring Fishery Closure for Management Area 1A

NOAA Fisheries and the states of Maine and New Hampshire, and the Commonwealth of Massachusetts project the Atlantic herring fishery will catch 92% of the Area 1A sub-ACL by November 8, 2021. The Area 1A directed fishery will close effective 6:00 p.m. on November 8, 2021 and remain closed until further notice. Vessels that have entered port before 6:00 p.m. on November 8, 2021 may land and sell, from that trip, greater than 2,000 pounds of herring from Area 1A.

During a closure, vessels participating in other fisheries may retain and land an incidental catch of herring that does not exceed 2,000 pounds per trip or calendar day. In addition, directed herring vessels traveling through Area 1A must have all fishing gear stowed.

In accordance with the Amendment 3 to the Interstate Fishery Management Plan for Atlantic Herring, the fixed gear set-aside of 30 metric tons will continue to be available to fixed gear fishermen operating in Area 1A west of Cutler, Maine through December 31, 2021.

Please contact Emilie Franke, Fishery Management Plan Coordinator, at 703.842.0716 or efranke@asmfc.org for more information.

M21-126