

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

**The Westin Crystal City
Arlington, Virginia
January 31, 2023**

Approved October 16, 2023

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1. **Move to approve agenda** by Consent (Page 1).
2. **Move to approve proceedings of November 7, 2022** by Consent (Page 1).
3. **Move to adopt the following specifications for the 2023-2025 fishing years for Atlantic herring as recommended by the New England Fishery Management Council, contingent on the final rule being published by NOAA Fisheries** (Page 3):

For 2023

- Annual Catch Limit (ACL) = 12,429 mt
- Domestic Annual Harvest = 12,429 mt
- Area 1A Sub-ACL = 3,592 mt
- Area 1B Sub-ACL = 534 mt
- Area 2 Sub-ACL = 3,455 mt
- Area 3 Sub-ACL = 4,847 mt

For 2024

- Annual Catch Limit (ACL) = 19,189 mt
- Domestic Annual Harvest = 19,189 mt
- Area 1A Sub-ACL = 5,546 mt
- Area 1B Sub-ACL = 825 mt
- Area 2 Sub-ACL = 5,335 mt
- Area 3 Sub-ACL = 7,484 mt

For 2025

- Annual Catch Limit (ACL) = 23,961 mt
- Domestic Annual Harvest = 23,961 mt
- Area 1A Sub-ACL = 6,925 mt for 2025
- Area 1B Sub-ACL = 1,030 mt for 2025
- Area 2 Sub-ACL = 6,661 mt for 2025
- Area 3 Sub-ACL = 9,345 mt

for 2025 For all three years:

- Border Transfer = 0 mt each year
- Fixed Gear Set-Aside= 30 mt each year
- Research Set-Aside as % of Sub-ACLs= 0% each year

Motion by Melanie Griffin; second by Eric Reid. Motion carried by unanimous consent (Page 3).

4. **Motion to adjourn** by Consent (Page 3).

ATTENDANCE

Board Members

| | |
|--|--|
| Megan Ware, ME, proxy for P. Keliher (AA) | David Borden, RI (GA) |
| Steve Train, ME (GA) | Eric Reid, RI, proxy for Sen. Sosnowski (LA) |
| Rep. Allison Hepler, ME (LA) | Justin Davis, CT (AA) |
| Renee Zobel, NH, proxy for C. Patterson (AA) | Bill Hyatt, CT (GA) |
| Doug Grout, NH (GA) | John Maniscalco, NY, proxy for B. Seggos (AA) |
| Dennis Abbott, NH, proxy for Sen. Watters (LA) | Emerson Hasbrouck, NY (GA) |
| Melanie Griffin, MA, proxy for D. McKiernan (AA) | Joe Cimino, NJ (AA) |
| Raymond Kane, MA (GA) | Peter Clarke, NJ, proxy for T. Fote (GA) |
| Rep. Sarah Peake, MA (LA) | Adam Nowalsky, NJ, proxy for Sen. Gopal (LA) |
| Conor McManus, RI, proxy for J. McNamee (AA) | Carrie Nordeen, NMFS, proxy for Allison Murphy |

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

Ex-Officio Members

| | |
|--|---|
| Renee Zobel, Technical Committee Chair | Delayne Brown, Law Enforcement Representative |
| Jeff Kaelin, Advisory Panel Chair | |

Staff

| | | |
|------------------|-----------------|---------------|
| Robert Beal | Tina Berger | Tracey Bauer |
| Toni Kerns | Kristen Anstead | Emilie Franke |
| Madeline Musante | | |

Guests

| | | |
|--------------------------------|-------------------------|---------------------------------|
| Pat Augustine, Coram, NY | Jay Hermsen, NOAA | Gray Redding, NFWF |
| Colleen Bouffard, CT DEEP | Jaclyn Higgins, TRCP | Mike Ruccio, NOAA |
| Jeff Brust, NJ DEP | Pat Keliher, ME (AA) | Tony Sarcoma |
| Matt Cieri, ME DMR | Chip Lynch, NOAA | Erin Schletter, NOAA |
| Heather Corbett, NJ DEP | Jerry Mannen, NC (GA) | David Stormer, DE DFW |
| Jamie Cournane, NEFMC | Sean McNally, NOAA | ElizaBeth Streifeneder, NYS DEC |
| Sam Duggan, NOAA | Jason McNamee, RI (AA) | Kevin Sullivan, NH F&G |
| Glen Fernandes | Steve Meyers | Maureen Trnka, NOAA |
| Lauren Gaches, NOAA | Jeff Nichols, ME DMR | Jesica Waller, ME DMR |
| Jared Flowers, GA DNR | Will Poston, SGA | |
| Amalia Harrington, Univ. Maine | Rebecca Quinones MA DMF | |
| Heidi Henninger, AOLA | Sam Rauch, NOAA | |

The Atlantic Herring Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Tuesday, January 31, 2023, and was called to order at 9:30 a.m. by Chair Megan Ware.

CALL TO ORDER

CHAIR MEGAN WARE: Good morning, everyone. We are going to call the Herring Management Board to order this morning.

APPROVAL OF AGENDA

CHAIR WARE: Our first item on the agenda is Approval of the Agenda. Are there any additions or modifications to the agenda this morning? Seeing none; the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR WARE: Our next item of business is approval of the proceedings from November 2022. Are there any edits to those proceedings?

Seeing none; those proceedings are approved by consent.

PUBLIC COMMENT

CHAIR WARE: Next item of business is Public Comment. This is for topics that are not on the agenda, and I will give a minute to look for any raised hands here in the room or the webinar for Public Comment. All right, seeing none we will move along.

SET SPECIFICATIONS FOR THE 2023 TO 2025 FISHING YEARS

CHAIR WARE: Our primary objective today is to set specifications for the 2023 to 2025 fishing years. Emilie is going to provide a presentation, and then the Board will consider final action on specifications.

MS. EMILIE FRANKE: Thank you, Madam Chair. I'll provide an overview of the 2023 to 2025 specifications process for the Atlantic herring fishery. At the September meeting of the New England Fishery Management Council, the Council voted on the 2023 to 2025 specifications package.

In September the New England Fishery Management Council voted on a 2023 to 2025 specifications package, and that specifications package was based on the most recent Atlantic herring stock assessment, which was completed just last year. That assessment did include projections with an updated recruitment methodology to consider recent poor recruitment.

The specifications were also based on recommendations from the Council's Scientific and Statistical Committee, which were consistent with the biomass-based ABC Control Rule for Atlantic herring. The specifications are also consistent with the Atlantic herring rebuilding plan in Framework Adjustment 9.

This new specification's package voted on by the New England Council, reflects the most recent science and application of the rebuilding plan. Overall, the 2023 to 2025 annual catch limits for Atlantic herring remain low, sort of in the big picture, but they are an increase relative to the most recent prior years. For this timeline here you can see on the screen. The New England Council voted on the specifications package in September, which was later submitted to NOAA Fisheries for their review and approval. Today, January 31, 2023, this Atlantic Herring Management Board is considering action to set those 2023 to 2025 specifications, contingent on a Rule being published by NOAA Fisheries.

NOAA Fisheries does expect to publish a rule to implement these specifications next month in February. Again, the Board's action today would be contingent on publication of that rule by NOAA Fisheries. This is a similar timeline to what happened during the last specification setting process two years ago.

The Board at that time also met before the NOAA Rule was published, so the Board motion at that time included a statement that the specifications were contingent on a Rule by NOAA Fisheries. The next few slides show the specifications selected by the New England Fishery Management Council for 2023 through 2025, all in metric tons.

You can see that the overfishing limit acceptable biological catch and ACLs increase over the next three years from 2023 to 2025. The border transfer would be 0 metric tons each year, and a reminder about the management uncertainty buffer for Atlantic herring. If the Canadian New Brunswick fishery catch is less than its specified trigger, then 1,000 metric tons will be subtracted from that uncertainty buffer and added to the Area 1A Sub-ACL.

This slide shows those Sub-ACLs for each of the four Atlantic herring management areas. For example, in 2023 this year, the Area 1A Sub-ACL would be 3,592 metric tons. Area 1B would be 534 metric tons, Area 2 would be 3,455 metric tons, and Area 3 would be 4,847 metric tons. You can see that each of the area's Sub-ACLs would increase each year through 2025.

Then the fixed gear set aside would be 30 metric tons each year, and the research set aside would be still 0 percent each year as it has been for the most recent 2 years. On the next slide you can see a comparison of the initial 2022 total ACL and Sub-ACLs from last year, as compared to the 2023 to 2025 specifications selected by the Council.

Again, you can see that the '23 to '25 specifications are an increase, relative to last year's Sub-ACLs. For example, last year in 2022 for Area 1A, the Sub-ACL was 1,184 metric tons. For 2023 that Sub-ACL would be 3,592 metric tons. With that I am happy to take any questions on the Council's selected specifications package.

CHAIR WARE: Good, and thank you, Emilie. Are there any questions? Yes, Justin.

DR. JUSTIN DAVIS: A question about the specification's packages. Does that include the river herring bycatch caps within that package? I have a follow up.

MS. FRANKE: Yes, so the river herring and shad bycatch caps are being kept the same as recommended by the New England Council. Typically for the Commission's motions, we don't need to specify that in our motions, but the Council is recommending keeping those caps the same as they have been.

CHAIR WARE: Follow up, Justin.

DR. DAVIS: Yes, thanks. The rule that is going to be published in February, is that going to be a proposed rule, it will allow for public comment?

MS. FRANKE: That is a great question. I'm going to turn to Carrie Nordeen on the webinar from NOAA, if you are able to address that question.

MS. CARRIE NORDEEN: Right now, we're targeting to do an interim final rule to implement the specifications. Specifications are largely formulaic based on the ABC Control Rule and Rebuilding Plans. That may change, but that is our target for right now. That traditionally doesn't have the public comment period associated with the proposed rule, but comments can be made on interim final rule.

CHAIR WARE: Okay, Justin, you have a question? You're all set.

DR. DAVIS: I'm good, thank you.

CHAIR WARE: Any other questions this morning? All right, seeing none, were there any on the webinar, Emilie? No, okay. I think we would be looking for a motion today to set the specifications. I believe staff has prepared a motion, so we'll have that come up on the screen and see if we have a

maker and a seconder. I think Melanie, you have your hand up.

MS. MELANIE GRIFFIN: I do, Chair, and I am happy to make the motion. I apologize the length of it, but I've had my water, so my voice shouldn't crack during it. Are you ready?

CHAIR WARE: Thank you for sacrifice, Melanie.

MS. GRIFFIN: I would move to adopt the following specifications for the 2023 to 2025 fishing years for Atlantic herring as recommended by the New England Fishery Management Council, contingent on the final rule being published by NOAA Fisheries.:

For 2023, an ACL and Domestic Annual Harvest of 12,429 metric tons, an Area 1A Sub-ACL of 3,492 metric tons, an Area 1B Sub-ACL of 534 metric tons, an Area 2 Sub-ACL of 3,455 metric tons, and an Area 3 Sub-ACL of 4,847 metric tons.

For 2024, and Annual Catch Limit and Domestic Annual Harvest of 19,189 metric tons. In Area 1A Sub-ACL of 5,546 metric tons. Area 1B Sub-ACL of 825 metric tons. Area 2 Sub-ACL of 5,335 metric tons, and an Area 3 Sub-ACL of 7,484 metric tons.

For 2025, an Annual Catch Limit and Domestic Annual Harvest of 23,961 metric tons. Area 1A Sub-ACL of 6,925 metric tons. Area 1B Sub-ACL of 1,030 metric tons, an Area 2 Sub-ACL of 6,661 metric tons, and an Area 3 Sub-ACL of 9,345 metric tons.

For all three years the Border Transfer would be set at 0 metric tons each year. The Fixed Gear Set-Aside would be set at 30 metric tons each year, and the Research Set-Aside as a percent of Sub-ACLs would be set at 0 percent each year.

CHAIR WARE: Thank you, Melanie, and we had a second by Mr. Reid. **Is there any discussion on the motion this morning? All right, seeing**

none; are there any objections to this motion? Any abstentions? All right, motion passes by unanimous consent.

ADJOURNMENT

CHAIR WARE: That is our agenda this morning. Is there any other business before this Board? Seeing none; is there a motion to adjourn? So moved by Ray Kane, and seconded by Representative Peake. Thank you very much.

(Whereupon the meeting adjourned at 9:41 a.m. on Tuesday, January 31, 2023)