Atlantic States Marine Fisheries Commission

Atlantic Herring Management Board

October 21, 2024
9:00 – 9:30 a.m.

Draft Agenda

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

1.	Welcome/Call to Order *(D. Grout)*	9:00 a.m.
2.	Board Consent • Approval of Agenda • Approval of Proceedings from August 2024	9:00 a.m.
3.	Public Comment	9:05 a.m.
4.	Set Specifications for the 2025-2027 Fishing Years *(E. Franke)* **Final Action**	9:15 a.m.
5.	Set Quota Period for the 2025 Area 1A Fishery *(E. Franke)* **Final Action**	9:25 a.m.
6.	Other Business/Adjourn	9:30 a.m.

The meeting will be held at The Westin Annapolis (100 Westgate Circle, Annapolis, MD; 888.627.8994) and via webinar; click here for details.

MEETING OVERVIEW

Atlantic Herring Management Board
October 21, 2024
9:00 – 9:30 a.m.

Chair: Doug Grout Assumed Chairmanship: 09/24	Technical Committee Chair: Vacant	Law Enforcement Committee Representative: Delayne Brown (NH)
Vice Chair: Vacant	Advisory Panel Chair: Vacant	Previous Board Meeting: August 6, 2024
Voting Members: ME, NH, MA, RI, CT, NY, NJ, NMFS, NEFMC (9 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 2024

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Set Specifications for the 2025-2027 Fishing Years (9:15-9:25 a.m.) Final Action

Background

- In September 2024, the New England Fishery Management Council (NEFMC) recommended a 2025-2027 specifications package for Atlantic herring to be submitted to NOAA Fisheries **(Briefing Materials)**.

Presentations

- Overview of 2025-2027 specifications by E. Franke

Board action for consideration at this meeting

- Set specifications for the 2025-2027 fishing years for Atlantic herring, pending release of a rule by NOAA Fisheries

5. Set Quota Period for the 2025 Area 1A Fishery (9:25-9:30 a.m.) Final Action

Background

- Per Amendment 3 (Section 4.2.3), quota periods shall be determined annually for Area 1A using bi-monthly, trimester, or seasonal quota periods.
- For the current 2024 fishing year for Area 1A, the Board adopted a seasonal quota approach with 72.8% available June-September, and 27.2% available October-December.

Presentations

- Overview of Amendment 3 quota period system by E. Franke

Board action for consideration at this meeting

- Set quota periods for the 2025 Area 1A fishery

6. Other Business/Adjourn

Atlantic Herring Technical Committee Task List

Activity Level: Medium

Committee Overlap Score: Medium

Committee Task List

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

- TC and NEFMC PDT jointly prepare OFL and ABC recommendations for 2025-2027
- Participation on 2025 Research Track Working Group
- Participation on NEFMC PDT
- Summer/fall collection of spawning samples per the spawning closure protocol
- Annual state compliance reports are due February 1

TC Members

Matt Cieri (ME DMR), Robert Atwood (NHFG), Micah Dean (MA DMF), JA Macfarlan (RI DEM), Kurt Gottschall (CT DMF), Rich Pendleton (NY DEC), Conor Davis (NJ DEP), Jamie Cournane (NEFMC), Jonathan Deroba (NOAA NEFSC), Carrie Nordeen (NOAA)

DRAFT PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

ATLANTIC HERRING MANAGEMENT BOARD

The Westin Crystal City
Arlington, Virginia
Hybrid Meeting

August 6, 2024

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

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ATTENDANCE

Board Members

Megan Ware, ME, proxy for Pat Keliher (AA)
Stephen Train, ME (GA)
Rep. Allison Hepler, ME (LA)
Cheri Patterson, NH (AA)
Doug Grout, NH (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)
Melanie Griffin, MA, proxy for D. McKiernan (AA)
Ray Kane, MA (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)
Jason McNamee, RI (AA)
David Borden, RI (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)
Dr. Justin Davis, CT (AA)
Robert LaFrance, CT, proxy for W. Hyatt (GA)
Craig Miner, CT, proxy for Rep. Gresko (LA)
John Maniscalco, NY, proxy for M. Gary (AA)
Scott Curatolo-Wagemann, NY, proxy for E. Hasbrouck (GA)
Jim Gilmore, NY, proxy for Assy. Thiele (LA)
Joe Cimino, NJ (AA)
Jeff Kaelin, NJ (GA)
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Allison Murphy, NMFS

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

Staff

Bob Beal
Toni Kerns
Tina Berger
Madeline Musante
Caitlin Starks
Jeff Kipp
Tracy Bauer
James Boyle
Katie Drew
Jainita Patel
Chelsea Tuohy
Emilie Franke

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, August 6, 2024, and was called to order at 9:00 a.m. by Chair Megan Ware.

CALL TO ORDER

CHAIR MEGAN WARE: Good morning, everyone, my name is Megan. I am going to call the Herring Board to order this morning.

APPROVAL OF AGENDA

CHAIR WARE: We're going to start with Board Consent and Approval of the Agenda. Are there any additions or modifications to the agenda this morning? Please, raise your hand. Seeing none; the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR WARE: Next is approval of the proceedings from October, 2023. Are there any edits to the proceedings from October, 2023? Seeing none; those proceedings are approved by consent.

PUBLIC COMMENT

CHAIR WARE: Next, we have Public Comment. This is for items that are not on the agenda, so I'll look for any raised hands in the room, and Emilie will help me with those on the webinar.

REVIEW 2024 ATLANTIC HERRING MANAGEMENT TRACK ASSESSMENT

CHAIR WARE: We are not seeing any hands in the room, and I don't think we're seeing any on the webinar, so we will move on to Agenda Item Number 4, which is Review of the 2024 Atlantic Herring Management Track Assessment. We have John Deroba online today, the stock assessment analyst for Atlantic Herring, and he is going to provide an overview of the assessment. Thank you, John.

MR. JONATHAN J. DEROBA: Again, apologies if I'm a little crackly. I tried to troubleshoot it, but nothing I can do. I think you probably all know what this is, so let's just dive right in. Herring was last assessed and reviewed in June, 2022. We are still using the ASAP modeling framework. There are two fishing fleets, a fixed-gear fleet, which is largely Canadian, and a mobile gear-fleet, which is entirely U.S. based.

There are four surveys in the model, spring bottom trawl, fall bottom trawl, summer bottom trawl and an acoustic time series collected during the fall bottom trawl. Natural mortality is constant at 0.35, and we use F40 percent and biomass at F40 percent as proxy reference points. That assessment concluded the stock was overfished, but overfishing was not occurring.

Here is the catch time series in units of metric tons, with the U.S. mobile fleet in black and the fixed, mostly Canadian fleet in purple. Discards are only available for a portion of the time series, but they are relatively small compared to landings. I think the most noteworthy here is that catches have really declined in response to both management and low stock size in recent years. Here are the indices, so this is the spring bottom trawl, at least during the Bigalow years since 2009. The fall bottom trawl during the Bigelow years we get into this 2009. Summer bottom trawl, there have been no vessel changes for the summer bottom trawl, so this is actually a longer time series on screen, and the acoustic time series collected during the fall bottom trawl.

TOR 3, which they had just did a stock assessment, so I added two years of data and made no other changes, very much at the turn of the crank. I'm not going through the full suite of diagnostics, but the retro is major, so the retrospective pattern for F is in the top row and spawning stock biomass in the bottom row.

If you can't see the row value for F, it is negative 0.261 and there you can see SSB is 0.563. Time series of biomass total in reddish, spawning stock in blue, and exploitable in green. You can see the stock is low. Fishing mortality of the time series, the

black line F. report is the value we used for stock status. That is the average F over Ages 7 and 8.

The recruitment time series, you can see since 2013 we have had an unprecedented string of lousy recruitment. That blip you see, that increase in the terminal year is a statistical artifact. A few years ago, when we didn't have any survey data in 2020 due to COVID, I had to add a likelihood penalty, where in the absence of data the model will basically move terminal year recruitment towards the mean.

What you're seeing in that terminal year is the effect of that likelihood penalty, and should be taken with a grain of salt. Reference points, as is sort of a regional standards, the life history traits, length at age, maturity at age are based on a recent 5-year average. Again, F40 percent is the proxy.

When calculating F40 percent, selectivity only equals that from the U.S. fleet. That is to make sure that catches from Canada that we don't' control and aren't quota based, don't end up affecting our overfishing status, at least not directly. Recruitment is sampled from the empirical Cumulative Distribution, using estimates from 1992 to 2021.

The most recent two years are excluded, due to high imprecision, because the terminal year is 2023. But again, those '22 and '23 are excluded for the sake of sampling recruitment. Then we do long-term projections to calculate the spawning stock biomass proxy, and in this case, we do make some accounting of the fixed gear, the Canadian fixed-gear fleet, where we set F in the long term to equal a recent 10-year average, so F for calculating the B proxy equals 0.15.

There is a comparison of the previous and updated reference points, so F40 came down just a little bit, and the B proxy went up just a little bit. There is your relative stock status plot, so the vertical axis is the fishing mortality rate in 2023 over the F proxy, and the horizontal axis is spawning stock in 2023 over the spawning stock reference point proxy.

Vertical line at 0.5 would be our overfished. You can see we are less than 0.5, so the stock is overfished. The horizontal line at 1 would be our overfishing threshold. You can see we're below that, so overfishing is not occurring. The red line there is the adjustment for the retrospective pattern. Short term projections, fixed-gear catches, so again that Canadian fixed-gear fleet. The catches are held constant in all years and are equal to a recent 10-year average. The mobile fleet fishing mortality rate id based on the New England Council's Harvest Control Rule. Recruitment follows an auto regressive process. As I pointed out, recruitment has been really low lately.

To help prevent overly optimistic projections, that auto-regressive process basically says for the next few years recruitment is going to be kind of lousy, just like it has been recently. Eventually, recruitment does return to the long-term mean, but it takes a few extra years to get there. Projections are set using the 2023 recruitment estimate, but adjusted downward for the retrospective pattern, and that value, 1 million is the rho-adjusted 2023 recruitment estimate, but that is in units of thousands of fish, so that is really a trillion.

Here are the short-term projection results. Again, using a constant catch value for the fixed fleet, and in that weird header above this table, you can see the recent 10-year average of Canadian catch is 4,031 metric tons, and there is a U.S. fixed fleet, sort of. They caught 16 metric tons, so if you sum those two that is what the fixed-fleet catch is held constant at through all these projections.

Then again, the mobile fleet F, which is the far-left column, is following the New England Council's Harvest Control Rule. I think all the other columns are fairly self-explanatory. Probability of overfishing, probability of overfished, so on and so forth. You can let that sit there for a minute. I don't know what is interesting to folks, and I don't try to

read minds, so you can soak that in. It's disheartening.

Term of Reference 6 is, review research recommendations. What is on the slide all came from the New England Council's SSC last go round. They were all suggested to be addressed in the research track. Obviously, mechanisms behind low recruitment, some follow up on analyzing recruits per spawner. We are doing both of those things, by the way in the research track, to some extent.

Investigate whether F40 percent needs to be changed, given a lower productivity regime. We are not addressing that in the research track, at least not yet. That is really a much broader question than just Atlantic herring. Estimate Fmsy directly. We don't have a stock recruitment curve, so that's not a problem.

The next two, beginning with the word consider. We did a full treatment of selectivity in the research track, so that has been addressed. We are evaluating the use of an index of herring recruitment using seabird diet data. That is being done in the research track. We are reevaluating M in the research track, natural mortality.

Stock structure movement are not part of the research track terms of reference. We did do a pretty thorough treatment of that though. I don't know, it's getting to be a while ago, 8 or 9 years ago. Long story short, we don't have enough information to estimate movement rates, or to disentangle movement rates from just say recruitment, stocks relative recruitment among different stocks. That is going to be a tough nut to crack, so no progress on that one. These came from the last management track peer review report. DFO has changed the way they process catch, and they did not have very good documentation last go round. They have now provided that documentation in the links provided. Explore model-based indices of abundance, we did that to death a while ago, back in 2012. Continue collecting age data during the summer bottom trawl, that was done.

Evaluate the impact of borrowing age-length keys for the summer bottom trawl. We have not made any progress there. Explore the effect of the likelihood penalties I mentioned on recruitment, we've made no progress there, but I'm hoping the research track makes that point moot. Monitor the impact of missing 2020 survey data.

That has been done for various assessments in a variety of ways, and we're doing it for herring in the research track, at least somewhat. Again, reevaluate natural mortality. That is being done in the research track. Look for changes, temporal changes in recruits per spawner. That is being addressed in the research track.

Examine reproductive status and condition being addressed in the research track. Improve our understanding of fleet dynamics and its relationship to herring spatial dynamics. We've made no formal progress there, and that might fall out of the purview of a stock assessment, but the research track has done some outreach with user groups, and discussions about fleet dynamics.

Their response to sort of a shrinking stock, how it might affect various ports. Those types of conversations were being had. Analyze condition, growth and fecundity, that is being addressed in the research track. Next, I think I might be done with my slides. I am. Thanks, I can take any questions.

CHAIR WARE: Thank you, John. We'll see if there are any questions from the Board on the assessment. We will be talking a bit about the implications of some of these stock projections, so I want to hold off those questions and comments and just focus on questions on the assessment. We'll start with Doug Grout.

MR. DOUGLAS E. GROUT: Thank you, John, for this, even though it was a scratchy report we managed to get a good feel for it. I just haven't been involved with herring for a long time. My big question is, what has triggered these 10 or more years of low

recruitment? Has anybody in the assessment been able to figure out why we were doing fairly well for so many years, then all of a sudden boom, we're down at 10 years of poor recruitment?

MR. DEROBA: Yes, we don't have a smoking gun answer to that question yet. Things we are learning in the research track include haddock predation on herring eggs. Micah Dean at Mass DMF is doing some great work in the research track on that. We're exploring some bottom-up processes, like plankton availability, *Calanus finmarchicus* availability and how that might affect larvae. Temperature is sort of a big obvious one, especially in the Gulf of Maine Region. It might not be one thing, it might be multiple things, but the answer to your question is we don't know yet, but we are still exploring various avenues.

CHAIR WARE: Any other questions for John? Yes, Jeff Kaelin.

MR. JEFF KAELIN: Hi, John, it's Jeff Kaelin with the Commission today. I've got a question about the Canadian set-aside. You know like Doug I've been around herring management for a long time too. We used to take a look at the herring being set aside for the Canadian weirs as part of the spec process. But in this assessment, the assessment team used the 10-year average of Canadian catches, to create a value that in fact gives the Canadians more fish than the Americans are going to get this year for the first time.

When you take their 4,000 off the top there is less than that for the American fishermen. Why did the 10-year average, why was that chosen? What does the 5 or the 3-year catches in that sector look like? You said 16 tons was taken on the U.S. side with a fixed gear, so why are we using a 10-year average and were there alternatives in a shorter time period that better reflect what the actual catches are up there?

MR. DEROBA: The 10-year average really wasn't decided unilaterally by myself or the stock assessment process. When I first switched to using a 2-fleet model, which is getting back to probably 2018, maybe even before. I sat with the PDT at the time it was probably Dierdre Boelke as the Chair, and we did evaluate 10-year, 5-year, 3 years.

At that time 10 year seemed to be the best predictor of the next few years of Canadian catch. I've had conversations even during this assessment with Jamie Cournane and others about reconsidering that, but there was no strong evidence to deviate from the 10-year average. There is no reason we can't use something else.

The 10-year average is the status quo, and that's what I presented as part of a Level 1 management track. There is nothing preventing the PDT from reconsidering that value. I would just have to redo the projections with a different fixed-gear catch. It is not set in stone, but it was at one point the best predictor of upcoming Canadian catches and there is no evidence to the contrary yet.

CHAIR WARE: Any other questions? All right, thank you, John. I do just want to acknowledge how devastating these results are. I know everyone was hoping to see some rebuilding appearing, and we haven't. I think we have some tough conversations ahead, and we'll kind of foreshadow that at the end of our meeting today. But thank you, John, I appreciate your time.

CONSIDER APPROVAL OF FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE FOR THE 2023 FISHING YEAR

CHAIR WARE: Next, we have, Consider Approval of the Fishery Management Plan, and Emilie is going to walk us through that.

MS. EMILIE FRANKE: Great, thank you, Chair. For the FMP Review I will go over sort of the standard sections. I will not go over the status of the stock, because we just heard about that. Again, the Board's action for consideration today is to consider approving the FMP Review for Fishing Year 2023,

State Compliance Reports and the 1 *de minimis* request that we have.

Starting with the status of the FMP. Atlantic Herring through the Interstate FMP are managed through Amendment 3, and then Addendum I and Addendum II. We do have complementary management plans between the Commission and the New England Council. Here for Fishing Year '23 are the preliminary landings from NOAA Fisheries quota monitoring for each of the 4 Atlantic Herring Management Areas. You can see that overall, about 76 percent of the total ACL was harvested. Area 1A and 3 were just slightly over their sub-ACLs and then Area 1B and 2 were under their sub-ACLs. Again, this is preliminary, NOAA Fisheries is still working on the final catch accounting for 2023. As far as state-specific landings, 2023 landings, Maine and Massachusetts typically account for the vast majority of herring landings.

The sort of big picture, 2023 landings were more than double than 2022 landings, but just to remind folks in perspective, you know 2022, 2023 were still pretty low, in terms of the ACLs as compared to the time series. Just a couple of reminders from the Plan Review Team for the Board that they wanted to highlight.

Just noting that some vessels do regularly land Atlantic herring outside of their homeport state. While some states might have 0 landings, there are still vessels from those states landing herring. Also, the PRT wanted to note that the overlap of Atlantic herring with other species can be quite challenging.

You know I know this has come up a lot in conversation, but for example, the mackerel possession limits can be limiting, in terms of the Atlantic herring harvest, especially in Areas 2 and 3. Then also, we have some fixed gear harvesters in Maine state waters that have noted, especially this past year, a lot of overlap with menhaden, mackerel, and alewives, which is great to see those species in the Gulf of Maine, but that can make it difficult for targeted fishing.

Then also, some of the Maine fixed-gear harvesters noted that they have seen some more larger adult herring in state waters in recent years. As far as the Area 1A days-out program for last year, you can see in green where the dates when landing was allowed. For Season 1 for Area 1A, that is June through September, landing days were open from July 16 through August 25.

Then the states went to 0 landing days, and then for Season 2, which is October through December, there were a short period of landing days, October 10 and 11, and then back to 0 landing days, and then the fishery landings were again permitted, starting November 5. That was after the transfer of 1,000 metric tons from the management uncertainty buffer to the Area 1A sub-ACL that is based on the Canadian catch.

Then the fishery did close in state waters on November 6. As far as the spawning closures in Area 1A. For the past few years, due to insufficient samples, the default closure dates have been used. There are 3 Are 1A closures, the Eastern Maine Spawning Area, the Western Maine Spawning Area, and the Massachusetts/New Hampshire Spawning Area.

In 2023, those three areas used the default closure dates in the FMP. As far as the PRT review, the PRT found that all states have regulations in place that meet the requirements of the FMP. New York is continuing to request de minimis status, and does meet the requirements, which is the average of the last 3 years of landings are less than 1 percent of the coastwide total.

Then the PRT this year does have two recommendations for the Board to consider. The first is the PRT recommends the Board discuss long-term funding solutions for the Maine DMR portside sampling program. That program samples a lot of biological attributes, age, length, maturity, sex, et cetera. The funding that is needed would support DMR staff traveling to other states to conduct out

of state sampling, so covering those other herring management areas, and conducting bycatch sampling as well. These data are important to inform not only the spawning closures, but also really critical for the stock assessment, which relies on an age-structured model. This funding that is needed is about $30,000.00 a year, and again, that would support the DMR staff traveling to other states.

However, the Board had previously thought about another avenue could be state staff collecting samples themselves, and potentially sending them to DMR. But either way, this is something for the Board to consider. This program has been sort of short-term funded through mid-2025. But there is still no long-term funding solution.

Then the other recommendation is the PRT recommends that the TC review the current Addendum II Area 1A spawning closures, and determine if there are any concerns with these prolonged periods of using the default spawning dates. The spawning closure protocol was set up, you know if there are enough samples that can dictate when spawning is occurring, and therefore when to implement the closures.

However, we've had not enough samples in recent years, and that is largely due to just the timing of the fishery. The fishery has contracted a bit, the Area 1A fishery, in terms of when it is prosecuted. The PRT recommends the TC have this discussion. The current dates may already be a conservative approach, but it could be beneficial for the TC to discuss. That's it, happy to take any questions.

CHAIR WARE: Thank you, Emilie. We'll see if there are any questions on the FMP Review, and then we'll talk about the two Plan Review Team recommendations. Yes, Rob.

MR. ROBERT LAFRANCE: I just was looking at the numbers, in terms of the percentage over the cap. I'm just wondering if you could explain, if there are any unique elements of, I guess it would be 1A and 3 that would put them over the percentages that were there. I know that there are going to be additional work on that, but is there any specific thing, unique elements of those particular elements that might cause them to be higher than the target?

MS. FRANKE: I also welcome other Board members or NOAA to chime in as well. But I know for Area 1A, you know the fleet tends to catch that quota and the Board has the days out to manage the effort, to make sure that the quota is available throughout the season. I think for the other areas there are a lot of factors.

Including I mentioned some of the species overlap constraints. Also, just opportunity, when are the fish available, you know the economic consideration for those folks. Is it worth it to pursue herring again? A lot of Board members could speak to this as well.

MR. LAFRANCE: Thank you for that clarification.

CHAIR WARE: I'll just comment as a state that is often managing those quotas. The quotas have just gotten so low that it's really hard to manage to those quotas. One day of fishing can put you over the top, or you can be 80 percent under. It's basically day to day monitoring of those quotas. Melanie Griffin.

MS. MELANIE GRIFFIN: Not a question, but maybe a request for a very minor edit. On Page 5 there is some background given on the assessments, and you know it goes into some detail about the 2022 assessment being peer reviewed, and I think it would just be nice to have a little text that notes the 2024 assessment as a Level 1 Direct Delivery. It's a very minor edit, but I think an important one for the record.

MS. FRANKE: Absolutely, Melanie, we'll make that edit.

CHAIR WARE: Any other questions? All right, let's talk about the Plan Review Team recommendations.

There were two recommendations, the first is about the portside sampling that DMR does. I was going to propose that we have the Administrative Commissioners get on a call sometime in September to talk about the best path forward. I think our best estimate right now is that funding will go through June, 2025.

If we can either figure out some more long-term funding solution or transition to having the states collect samples, I think that is a decision we'll need to make in the next few months. If there is any concern about that approach, speak now, otherwise, that is what I'll recommend to this Board. All right, thumbs up, excellent. The second one was about the Area 1A spawning closure dates. I don't know if there are any comments on that. If not, I can provide a suggested path forward. Yes, Doug.

MR. GROUT: Didn't several years ago, the TC did a very thorough analysis when we had data, and we had samples about when the best time or a default would be. What we're trying to get at, is the default times may have changed? Is that what you're trying. I mean the best time to close the fishery may have changed, and have the TC look at something? But what would they look at if there have been no samples collected?

MS. FRANKE: I think it's not necessarily that the default dates may have changed, but just sort of going back through the discussion and analysis, just to sort of confirm that it was sort of the most thorough approach, and sort of the most conservative way forward, given that we've had several years now with the default dates. Just sort of make sure that that is what we have.

CHAIR WARE: Jeff Kaelin.

MR. KAELIN: I don't see any reason whatsoever to go back and renew all of that now. I wasn't in favor as an industry person at the time to go to the default dates, but where we are now, we're going to have 4,000 metric tons of herring fishing in the United States waters this year, 4,000 tons. That is a trip for some boats. A plant just closed; boats are being tied up. To do a lot of navel-gazing about something that has been in place and working assumably well, and wasting everybody's time. I can't support it at all. I think we should set it aside until the fishery comes back. We're taking an 82 percent cut in our ACL in one year. I've been around the Council process since 1977, and never seen anything like that before, so there is no fishery. I think the funding for the sampling is extremely important, I totally agree with that. But as far as reviewing, taking the PDTs time, all the expertise there, to review that at this point in time when there is essentially no fishery. I have a hard time supporting that.

CHAIR WARE: Ray, did you want to comment?

MR. RAYMOND W. KANE: Yes, a question on one of your slides going back to the fixed-gear sector in Maine, the landings. What percentage of the 1A quota does the fixed-gear sector in Maine land? Because they are talking about seeing a lot of large herring, so do we know? Have we any idea?

CHAIR WARE: I think it's less than 1 percent. I mean whatever 16 metric tons divided by the total landing were, so very low. All right, so what I'm going to propose, hearing some of the comments is, I think we need to get through specifications first and see the impacts on that on the industry, before we start assessing the spawning again.

If folks are comfortable with that approach, I'm going to recommend that moving forward, and we can assess as folks want at future Board meetings. Okay, next one, we are now looking for a motion to approve the FMP Review, State Compliance Report and De Minimis for New York. Cheri Patterson.

MS. CHERI PATTERSON: **Yes, I move to approve the Atlantic Herring FMP Review for the 2023 Fishing Year, State Compliance Reports and *De Minimis* request for New York.**

CHAIR WARE: Great, motion by Cheri, second by Ray Kane. Is there any opposition to this motion? Seeing none; **the motion approves by consent**.

UPDATE FROM THE NEW ENGLAND FISHERY MANAGEMENT COUNCIL ON COUNCIL ACTIVITY

CHAIR WARE: All right, we're going to move on to Agenda Iten 6. We have Jamie from the New England Fishery Management Council is going to provide an update on Council Activity and I think some of the things we should be looking for as a Board, as we move through the specification cycle this year. Thank you, Jamie.

MS. JAMIE COURNANE: Thank you for the opportunity to present this update. Today I'm going to focus the presentation on specifications. I do have a few brief slides on Amendment 10, but I may not present those, given time. Right now, the Council is working on specifications for the next 3 years for Atlantic herring, to include the overfishing limits, acceptable biological catch, applying its Control Rule as well as the Rebuilding Plan for the species.

In the specifications package we also incorporate management uncertainty, the annual catch limits by sub-management area, and river herring and shad catch caps, which we expect will be status quo, and there are other components that are also set through specifications. Here we are in the middle of the timeline, progressing towards Council final action in September.

This stock assessment is a Level 1 Management Track, meaning it was direct delivery to the Plan Development Team and the Technical Committee. We've met jointly a few times to discuss the results. The Scientific and Statistical Committee met last week, July 30 and 31, wo make their recommendations for those species. We'll be working over the next few weeks and months to prepare the action for the Council's consideration, and you will also be meeting in October to set your own specifications. The plan is to submit this action as soon as possible to NOAA Fisheries, with a target implementation of January 1 of next year.

Here is the history of the U.S. Fishery Performance, looking back from 2008 forward to almost completed fishing year, which is 2022, and you can see the same information provided in the Table on the right. Over time there has been relatively high utilization in the fishery, with one year exceeding the overall ACL, and the current specifications we have for the fishery are shown in the tables below.

For 2023, which is now complete, 2024, which we're in the middle of, and 2025, which our new specification cycle would replace that time of year. The Plan Development Team and Technical Committee met and made recommendations for this stock, consistent with the Council's ABC Control Rule, using the rebuilding plans with updates provided in the stock assessment, and incorporated in an update estimate of Canadian catch uses the most recent and updated information available.

Here are the OFLs and the ABCs that we recommended coming out of the stock assessment. When the SSC discussed this last week on July 31, they made the same recommendation this time to the Council. Their rationale, which is a Council staff summary, the report is in progress and not available for you at this time.

We did provide the PDT and TCs report for you, for your packet. But this recommendation stays with the Council's ABC Control Rule. It recognizes continued poor recruitment and low spawning stock biomass. The SSC recognized that rebuilding progress is falling behind. This represents a major reduction from current levels.

They thought it was important to use the Control Rule, given that incorporates stakeholder input in the role of herring in the ecosystem. We were concerned about overly optimistic projections. The Council's Control Rule, if you're familiar with this, it explicitly accounts for the role of Atlantic herring's forage in the ecosystem, by limiting fishing mortality when biomass is greater than 50 percent of the ratio of spawning stock biomass, to spawning stock biomass MSY, then there is a higher level of fishing mortality allowed.

But when those decline, there is that linear of reduction in fishing mortality, it can even go to 0, in the case of our ratio being 10 percent. Looking at the short-term projections that John showed you earlier. Here in that window that identified where the ABC falls in these calculations, a few things to note that Atlantic Herring Committee and the Council will be thinking about is, in these projections in 2024 our current year.

If the fall ABC is caught, and the PDT and the TC talk about this, in its memo to the SSC, that there is a very high probability of overfishing greater than 90 percent, and something that we want to make sure managers are aware of. Another note that is really important is as we've had a couple of updates to stock assessments since the setting of the rebuilding plan, which took place in Framework 9. There have been revisions to the likely rebuild date for this stock, and now, based on the most recent projections, it looks like the time that we crossed the 50 percent probability of rebuilding mark is now 2031. Here are those projections so you can see them, again showing in this figure, if you look all the way to the right-hand side, in the second column from the right, you can see that rebuilding going over the 50 percent in 2031.

The next two slides talk about the implications of this reduction, and the first thing I want to note is this is all draft, subject to management's discussions and the Council's recommend-actions. The first two, OFL and ABC come from the SSCs recommendation provided to us last week. This is just for next year, to show this example.

Draft 2025 specifications would be an OFL of 18,273 metric tons. Applying the Council's Control Rule and the Rebuilding Plan, the SSC recommended the ABC of 6,741 metric tons. Table on the left-hand side shows you our current specifications, so you can compare those numbers as I walk through.

The next step is the Management Uncertainty Buffer. This has typically been the 10-year average of the Canadian catch, which this time updated is 4,031 metric tons. If managers use that same approach, they would deduct that 4,031 metric tons from the ABC to determine a U.S. ACL. That is 2,710 metric tons for the entire fishery.

Those would be distributed based on the current formula, unless that has changed, by percentage into these four management areas. You can see what the Area 1A, 1B, 2 and 3 quotas would be. If this total U.S. ACL is 2,710 metric tons next year, this represents about 14 percent of the total ACL we have right now this year.

That number is 19,141 metric tons. It's about 66 percent of the current in-season catch, and this is when we looked at it July 18, there has been a little bit more catch since then, but the point is the same. That if the fishery was operating as it is this year we would have already caught the ACL. Next, this would be the lowest ACL in the history of the fishery management plan, and the last time we had a low ACL in catch was 2022, this would be lower than that.

This will lead to negative social and economic commercial fishery impacts, and low catch limits in the four management areas. Would you like me to continue with the rest of the presentation? I know you're running short on time, or I can just provide that as a reference document for the Board. Thank you.

CHAIR WARE: Thanks, Jamie, yes, let's stop there given the time. Obviously, really important to talk about these specifications, and I appreciate the context from the slides. Are there any questions for Jamie? I'll just note, I think that August 22 and September 12 Herring Committee meetings of the Council will be quite important, and we'll come back as a Board in October to see what our next steps are. Ray Kane.

MR. KANE: Yes, thank you, Jamie. Going back to your slide on your area allocations, 1A. That is not

inclusive of historically, years past 1,000 metric ton that we get from Canada, right?

MS. COURNANE: If the slide advancer could go back one slide, thank you. That thousand metric tons that sometimes can shift from our Canadian estimate back into 1A, comes from the management uncertainty buffer. Here you see that is 4,031. If it was available and GARFO projected that the Canadians weren't going to exceed the threshold, then a thousand metric tons later in the fishing year, towards the very end, would be put back into Area 1A, so that would be potential 1A quota of 1,783, if that transfer happened.

CHAIR WARE: Any other questions for Jamie while she's online? Okay, thank you, Jamie, I appreciate your presentation. Those were some great slides.

OTHER BUSINESS

CHAIR WARE: All right, we are at Other Business. Is there any other business before this Board?

ADJOURNMENT

CHAIR WARE: If not, we will get a motion to adjourn. Doug Grout, so moves, second by Steve Train. Thank you.

(Whereupon the meeting adjourned at 9:40 a.m. on Tuesday, August 6, 2024)

New England Fishery Management Council

FOR IMMEDIATE RELEASE
October 4, 2024

PRESS CONTACT: Janice Plante
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Atlantic Herring: Council Takes Final Action on Fishing Year 2025-2027 Specifications; Requests In-Season Adjustment

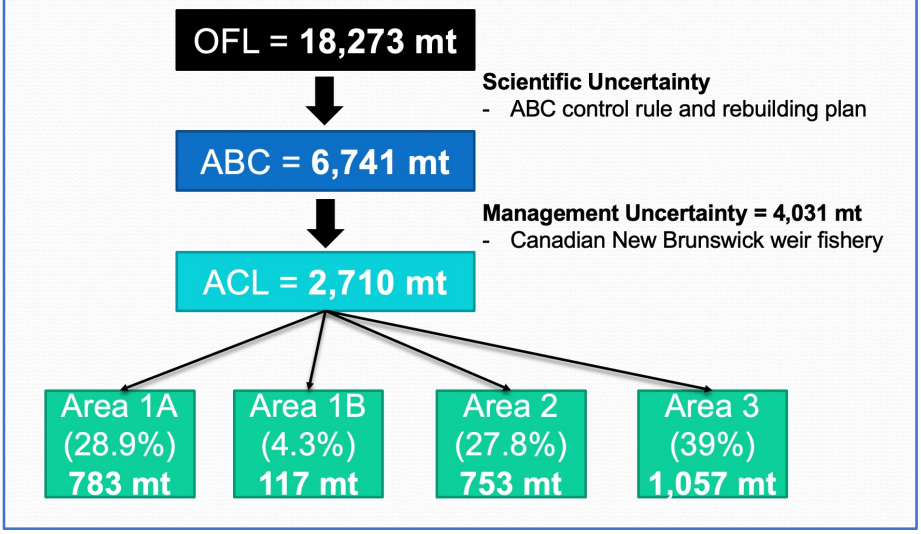
The New England Fishery Management Council took final action on fishing year 2025-2027 specifications for Atlantic herring when it met September 24-26, 2024 in Gloucester, Massachusetts. The Council also asked the Regional Administrator of NOAA Fisheries to use his existing authority to implement an in-season adjustment to reduce default 2025 specifications to the level recently recommended by the Scientific and Statistical Committee (SSC).

The Council's revised 2025 specifications, which are part of the new 2025-2027 package, are much lower than the default or backup 2025 specifications the Council developed in 2022 to cover the 2023-2025 fishing years. At the time, the Council knew it would need to update 2025 catch limits, but it included backups in a three-year package in case the next action was delayed.

BOTTOM LINE: The default 2025 annual catch limit (ACL) is 23,961 metric tons (mt). The ***revised*** 2025 ACL, which is based on the latest stock assessment, is 2,710 mt, marking an 89% reduction. For comparison, 2,710 mt equates to 14% of the 2024 ACL now in place.

The Council is deeply concerned about the magnitude of the needed adjustments and the inevitable social and economic impacts associated with the upcoming reductions in catch.

Proposed 2025 Atlantic Herring Catch Limits by Management Area



OFL = Overfishing Limit | ABC = Acceptable Biological Catch
ACL = Annual Catch Limit

THE FORMULA: Area-specific catch limits are determined by starting with the overfishing limit, which is reduced to account for scientific uncertainty, which results in the acceptable biological catch. The ABC is further reduced to account for management uncertainty associated with the 10-year average of catches in Canada's New Brunswick weir fishery. The resulting number is the annual catch limit, which then is divided into sub-ACLs based on the percentages shown in the green boxes above.

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The revised ACL, if approved by NOAA Fisheries as expected, will result in the lowest catch limits in the history of the Atlantic Herring Fishery Management Plan. The new catch limits will not support a directed commercial fishery for Atlantic herring. Area-by-area sub-ACLs are shown in the table below.

IN-SEASON ADJUSTMENT NEEDED: If the Council's new specifications package cannot be implemented by the January 1 start of the new fishing year and the higher default ACL remains in place, the fishing fleet could catch the total updated ACL or the area-specific sub-ACLs before the revised specifications are implemented. This likely would result in overfishing and further compound the anticipated social and economic impacts of the revised catch limits. Overfishing currently is **not** occurring.

The Council is seeking an in-season adjustment to prevent overfishing in 2025. It is asking the NOAA Fisheries Regional Administrator to reduce the 2025 overfishing limit (OFL) and acceptable biological catch (ABC) to the levels recommended by the Council's SSC as shown in the table at right. The Council also asked the Regional Administrator to follow the guidance in its revised specifications package to adjust the remaining specifications, including the sub-ACLs for Herring Management Areas 1A, 1B, 2, and 3.

NO CARRYOVER: Atlantic herring regulations allow for the carryover of unharvested quota two years down the road after catch accounting is complete. The carryover cannot be greater than 10% of the initial catch limit or sub-ACL.

For the 2023 fishing year, underages occurred in Area 1B and Area 2. The Council voted to ask the Regional Administrator to nullify the carryover from the 2023 fishing year into 2025. The

2025-2027 Atlantic Herring Specifications
in Metric Tons

Specification	2025	2026	2027
Overfishing Limit (OFL)	18,273	21,659	21,659
Acceptable Biological Catch (ABC)	6,741	10,885	10,885
Management Uncertainty*	4,031	4,031	4,031
Optimum Yield / Annual Catch Limit (OY/ACL)	2,710	6,854	6,854
Domestic Annual Harvest	2,710	6,854	6,854
Border Transfer	0	0	0
Domestic Annual Processing	2,710	6,854	6,854
U.S. At-Sea Processing	0	0	0
Area 1A Sub-ACL (28.9%)	783	1,981	1,981
Area 1B Sub-ACL (4.3%)	117	295	295
Area 2 Sub-ACL (27.8%)	753	1,905	1,905
Area 3 Sub-ACL (39%)	1,057	2,673	2,673
Fixed Gear Set-Aside	30	30	30
Research Set-Aside as % of Sub-ACLs	0%	0%	0%

* If landings in the New Brunswick weir fishery through October 1 are less than the associated "trigger," which currently is set at 2,600 mt, then 1,000 mt of the management uncertainty buffer will be added to the Area 1A sub-ACL and the ACL.

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addition of carryover tonnage would result in sub-ACLs for Area 1B and Area 2 that exceed levels in the Council's 2025-2027 specifications.

The new specifications utilize the Council's ABC control rule for herring, which explicitly accounts for the role of Atlantic herring as forage in the ecosystem by limiting fishing mortality to 80% of what could be allowed at maximum sustainable yield. Herring is under a rebuilding plan. Although behind schedule, the resource is still expected to be rebuilt by 2031, thereby meeting the 10-year rebuilding target.

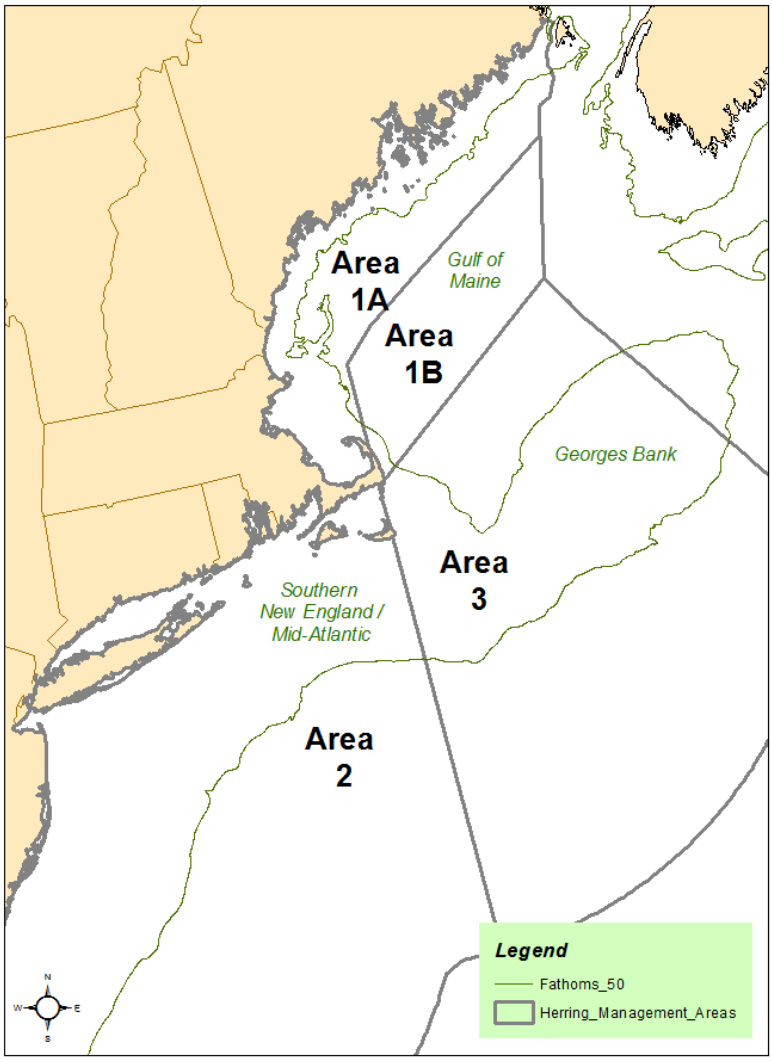
WHY ARE CATCH LIMITS SO LOW: The 2024 Atlantic Herring Management Track Stock Assessment determined that the spawning stock biomass – the percentage of the population that can reproduce and contribute new year classes of juvenile fish to the resource – is at 26% of its target. Recruitment – the newly born fish coming into the population – remains at very low levels (see graphic below). The stock assessment states:

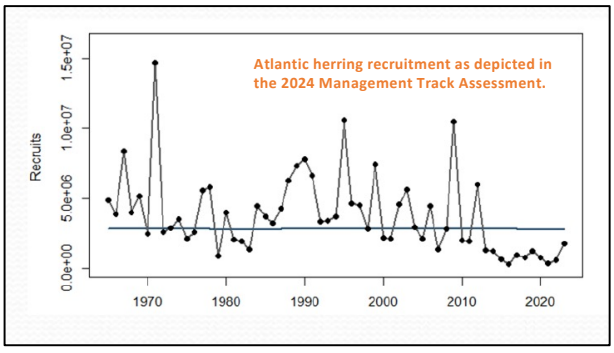
"A definitive explanation for the continued poor recruitment has not been identified. … Continued poor recruitment is the main issue driving stock status. Management decisions that reduced U.S. catches had the effect of avoiding overfishing."

Based on the 2024 Management Track Assessment, Atlantic herring is overfished but overfishing is not occurring. However, projections from the assessment indicated the possibility of overfishing was high if the full 2024 ABC for the fishery was utilized.

The Council tasked the Herring Plan Development Team with reviewing

Atlantic Herring Management Areas





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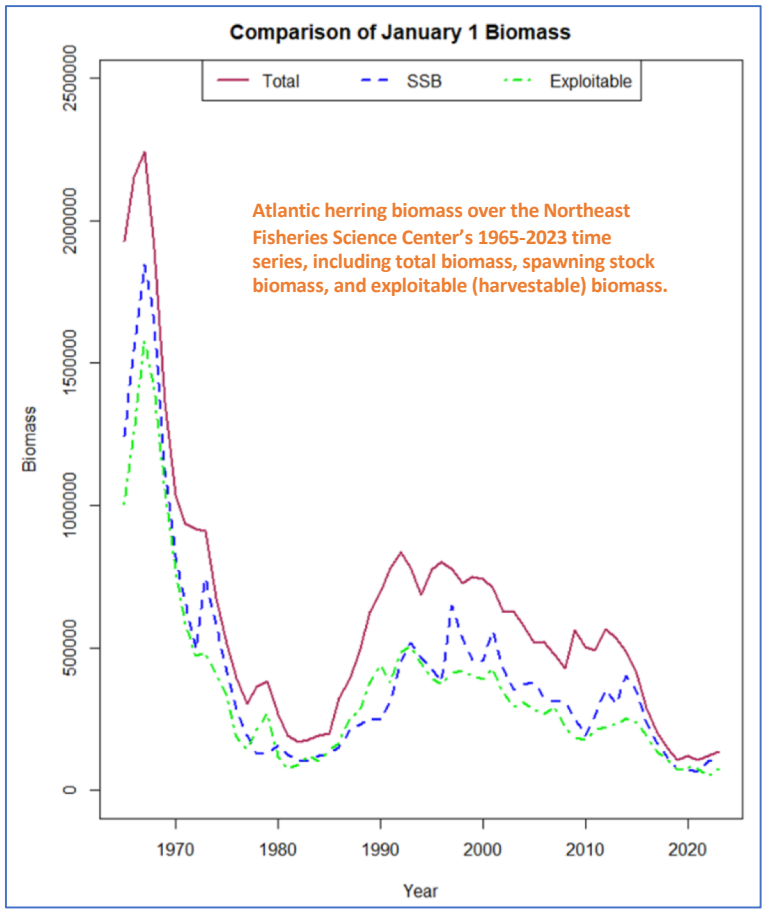
preliminary 2024 year-end catch information for discussion at the January 2025 Council meeting. The Council does not anticipate the entire 2024 annual catch limit will be utilized, which would reduce the possibility of overfishing in 2024. As of late September, less than 41% of the ACL had been harvested.

A 2025 Atlantic Herring Research Track Assessment is underway. The peer review meeting for the research track will take place in March 2025 and will set the stage for the next Atlantic Herring Management Track Stock Assessment in 2026.

RIVER HERRING AND SHAD: The Council agreed to maintain the current river herring and shad catch caps in the 2025-2027 specifications package. These catch caps, shown in the table at right, have been in place for the past few specification cycles.

The Council voted to submit the new specifications package to NOAA Fisheries for review, approval, and implementation.




Atlantic herring

River Herring/Shad Catch Caps	Allocation in Metric Tons
Midwater Trawl Gulf of Maine	76.7 mt
Midwater Trawl Cape Cod	32.4 mt
Midwater Trawl Southern New England and Mid-Atlantic	129.6 mt
Bottom Trawl Southern New England and Mid-Atlantic	122.3 mt

Questions? *Contact Dr. Jamie Cournane, the Council's herring plan coordinator, at jcournane@nefmc.org. Meeting materials related to the September 2024 herring discussion are posted here.*