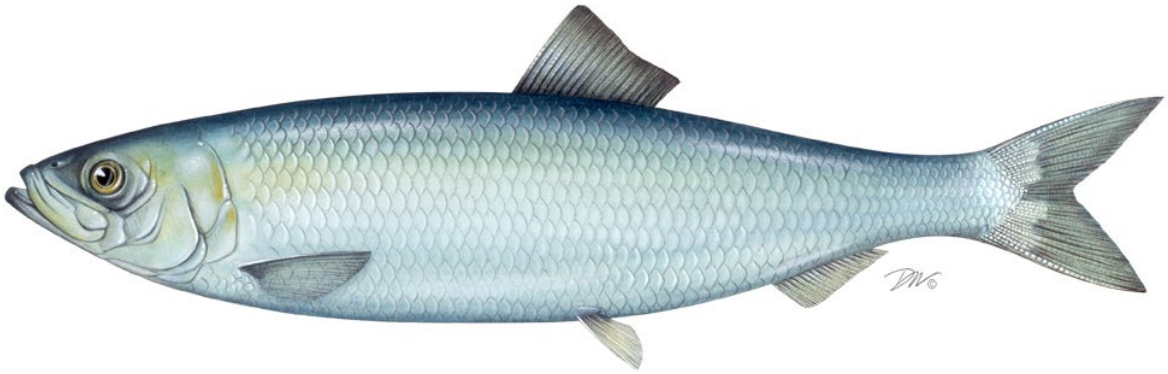
ATLANTIC STATES MARINE FISHERIES COMMISSION

REVIEW OF THE INTERSTATE FISHERY MANAGEMENT PLAN

FOR ATLANTIC HERRING
(Clupea harengus)

2023 FISHING YEAR



Prepared by the Atlantic Herring Plan Review Team
Approved August 2024

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

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I. Status of Fishery Management Plan

Date of FMP Approval	November 1993
Amendments	Amendment 1 (February 1999) Amendment 2 (March 2006) Amendment 3 (February 2016)
Addenda	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)
Management Unit	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).
States With Declared Interest	Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey
Active Boards/Committees	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 I. 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 2024 Management Track Assessment (i.e., assessment update) for Atlantic herring was completed by NOAA's Northeast Fisheries Science Center (NEFSC) and is an update to the 2022 Management Track Assessment which was peer reviewed in June 2022 (NEFSC 2024; Miller et al. 2022; NEFSC 2022). No significant changes were made to the methods in the 2024 assessment as compared to the 2022 assessment. The 2024 assessment updated fishery catch data, survey indices, life history parameters (e.g., weights-at-age), and the age-structured model (ASAP) and biological reference points (BRPs) with data through 2023. The 2024 assessment was a Level 1 Direct Delivery assessment per NOAA Fisheries' defined peer review levels. A Level 1 assessment can only include minor changes to previously approved assessment methods, does not require external peer review, and is delivered directly to the fishery management body, which in this case is the NEFMC and ASMFC Atlantic Herring Management Board.

The 2024 assessment update indicates the Atlantic herring stock is overfished but not experiencing overfishing based on the biological reference points for spawning stock biomass

(SSB) and fishing mortality (F). This is the same stock status as determined by the 2022 assessment. SSB has been declining since 2014 and was estimated to be 47,955 metric tons in 2023, which is 26% of the SSB target of 186,367 metric tons (Figure 2). F was estimated to be 0.263 in 2023, which is 58% of the overfishing threshold of 0.45. Both the 2022 and 2024 assessments noted poor recruitment, and the difficulty of identifying a causal mechanism for this recruitment trend.

The Atlantic herring stock is currently under a rebuilding plan in response to the overfished finding of the 2020 management track assessment (NEFSC 2020). The final rule implementing Framework Adjustment 9 to the federal Atlantic Herring FMP established a rebuilding plan for herring that became effective in August 2022 (87 FR 42962; July 19, 2022). The rebuilding plan applies the acceptable biological catch (ABC) control rule implemented for Atlantic herring.

The NEFMC and the ASMFC Atlantic Herring Management Board will consider the results of the 2024 stock assessment, stock projections, and the rebuilding plan to inform setting specifications for 2025-2027.

III. Status of the Fishery

There is an Atlantic herring fishery in the United States and Canada (Figure 3). Herring in the US are primarily caught using mobile gear (e.g., purse seines and mid-water trawls). Herring in Canada and a small portion of US-caught herring are caught using fixed gear (e.g., weir fishery).

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 in Area 1A provide additional measures to control fishing effort.

For the 2023 fishing season, the ACL was set at 27.4 million pounds (12,429 mt), which was later adjusted to 27.1 million pounds (12,287 mt) to account for overages in 2021. The ACL is further subdivided into sub-ACLs by the Atlantic herring management areas as follows (accounting for adjustments due to 2021 catch overages/underages): Area 1A = 7.4 million pounds (3,345 mt), Area 1B = 1.2 million pounds (555 mt), Area 2 = 7.9 million pounds (3,589 mt), and Area 3 = 10.6 million pounds (4,806 mt). After adjusting for the 30 mt fixed gear set-aside and the 8% buffer (Area 1A closes at 92% of the sub-ACL), the 2023 Area 1A sub-ACL was 3,050 mt. There was no research-set-aside for 2023. The Board established the following seasonal allocations for the 2023 Area 1A sub-ACL: 72.8% available from June 1 – September 30 and 27.2% available from October 1 – December 31.

The domestic Atlantic herring fishery is predominantly commercial; preliminary data indicate recreational harvest accounted for less than 2% of landings in 2023. For the past five years (2019-2023), recreational harvest has accounted for an average 2.9% of total landings each year. Since 2000, annual commercial landings by the United States Atlantic herring fleet averaged roughly 143.5 million pounds (65,091 mt) (ACCSP, Figure 4). Since 2013, commercial landings have generally decreased and reached the lowest levels the time series in 2021 and 2022 at below 12 million pounds (below 5,443 mt) each year (Figures 3-4).

The Interstate FMP implements specific effort control measures for Area 1A (inshore Gulf of Maine). Catch, in metric tons, from Area 1A is shown in Table 1a. Preliminary information from 2023 indicates that 4,345 mt were caught in Area 1A, representing 101% of the Area 1A sub-ACL (not including the 30 mt fixed gear set-aside). Since the directed fishery closes (i.e., 2,000 pound possession limit) 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 6:00 p.m. on November 6, and the Area 1A fishery in federal waters closed effective 12:01 a.m. on November 8.

Table 1a: Area 1A catch, sub-ACL, and associated directed fishery closures from 2014-2023. 2023 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
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$^{\pm}$
2021	2,609^	2,856	109%	Nov-11$^{\pm}$
2022	2,075^	2,325	116%	Nov-8$^{\pm}$
2023	4,315^ (not including 30 mt fixed gear set-aside)	4,345**	101%	Nov-8$^{\pm}$

^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*
$^{\pm}$The Area 1A fishery in state waters closed and landings were prohibited effective Nov 7, 2020, Nov 8, 2021, Nov 7, 2022, and Nov 6, 2023; the Area 1A fishery in federal waters closed effective Nov 11 in 2020-2021 and Nov 8 in 2022-2023.

In 2023, a 2,000 pound possession limit was implemented in Area 1B from January 11 through March 22 and in Area 3 from January 13 through March 22 due to catch projections reaching 92% and 98% of the area sub-ACLs, respectively. Effective March 23, specifications for 2023 were revised and sub-ACLs for those management areas increased, thereby removing the initial 2,000 pound possession limits. Starting May 14, a 2,000 pound possession limit was

implemented in Management Area 3 due to catch projections reaching 98% of the area's revised sub-ACL. Starting April 26, a 2,000 pound possession limit for midwater trawl vessels was implemented in the Cape Cod River Herring and Shad Catch Cap Area (spanning parts of Area 1B and Area 3) due to projections reaching 95% of the river herring and shad catch cap for that area.

Catch, in metric tons, from all management areas is shown in Table 1b for the last five years (2023 data are preliminary).

Table 1b: Catch and sub-ACL for all management areas 1A, 1B, 2, and 3 from 2019-2023. 2023 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	2,609	2,856	109%
	1B	239	0	0%
	2	652	191	29%
	3	2,181	2,222	102%
	Overall	**5,128**	**5,268**	**103%**
2022	1A	2,075	2,325	112%
	1B	0	6	-
	2	1,300	79	6%
	3	1,824	1,825	100.1%
	Overall	**4,813**	**4,234**	**88%**
2023	1A	4,315+	4,345**	101%**
	1B	555	197**	35.5%**
	2	3,589	462**	13%**
	3	4,806	5,141**	107%**
	Overall	**13,287**	**10,144****	**76%****

***Preliminary 2023 landings data from 12-29-2023 NOAA Fisheries Quota Monitoring Report*
+Not including 30 mt fixed gear set-aside.

2023 Fishing Season

Based on preliminary data provided in state compliance reports, coastwide landings in 2023 were approximately 23 million pounds, which is more than double 2022 landings, primarily due to more quota being available in 2023. Notably, landings in Maine about quadrupled relative to 2022, and landings in Rhode Island increased tenfold relative to 2022. Landings in Massachusetts were about the same in 2023 as in 2022.

Maine and Massachusetts accounted for the majority (>90%) of the commercial Atlantic herring landings in 2023 (Table 2), similar to previous years. Rhode Island accounted for over 6% of commercial landings in 2023, which is an increase from recent years when it has typically accounted between 1 and 4% of commercial landings.

Landings in Connecticut and New York remained low in 2023 at less than 1% each of the coastwide total. In their compliance report, Connecticut noted the very low landings in recent years and are substantially less than landings in the early 2000s; further, Connecticut noted the Atlantic herring fishery for bait component has diminished with the reduction in of the number of active Connecticut commercial lobstermen in the last twenty years.

It is also important to note that some vessels regularly land herring in states outside of their homeport state (e.g., New Jersey vessels often land in Massachusetts).

The PRT noted that Atlantic herring landings can be variable in some states, particularly from Areas 2 and 3, dependent on the occurrence of mackerel trips. Additionally, Atlantic herring may overlap with other species in those areas in certain gears (e.g., small mesh bottom trawls and midwater trawls), which can be challenging for harvesters if possession limits are in place for some overlap species. For example, Atlantic mackerel trips limits have been restrictive to midwater trawl vessels targeting Atlantic herring.

A small portion of total Atlantic herring landings are from fixed gear, primarily in Maine state waters. In 2022 and 2023, anecdotal reports from Maine fixed gear harvesters noted that larger, adult herring were present and available to the fishery compared to past recent years. In 2023, anecdotal reports from fixed gear harvesters also noted general high abundance of fish in Maine state waters in May and June, including Atlantic herring, menhaden, Atlantic mackerel, and alewives. The harvesters noted that the overlap of these species made targeted fishing more challenging. For example, the increased presence of harvestable Atlantic herring may not have fully translated to fixed gear landings because some fixed gear catches had to be released due to the additional presence of river herring. Per Maine regulations for river herring, there is a 5% tolerance for river herring as bycatch (no more than 5% of the total catch by count is comprised of river herring).

Table 2. 2023 commercial landings by state and percent of total harvest. 2023 landings data are considered preliminary at this time. Source: State compliance reports.

	Commercial Landings (lbs) Preliminary	Percent of Total
ME	16,114,140	<70%
NH	0	0%
MA	5,487,938	<24%
RI	1,592,747	<7%
CT	Confidential	<1%
NY	10,757	<1%
NJ	0	0%

Days Out Provisions for Area 1A

Table 3 outlines the 'days out' program and effort control measures which were implemented in Area 1A in 2023. The Board implemented seasonal allocations for the 2023 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 July 16. Specifications for Season 1 established five (5) consecutive landing days a week for vessels with a Category A permit, and six (6) consecutive landing days a week for vessels with a Category C or D permit. Vessels with a Category A permit were also limited to a weekly landing limit of 320,000 pounds (8 trucks) per harvester vessel. The fishery moved to zero (0) landings days starting August 26 through September 30 as the harvest had reached 92% of the Season 1 allocation.

Landing days were set at zero for Season 2 from October 1 through October 9. Landing days were then set at two consecutive days for October 10-11, followed by a period of zero landing days from October 12 through November 4. 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 consecutive landing days per week starting November 5 at 6:00 p.m. The Area 1A fishery in state waters closed and landings were prohibited effective November 6 at 6:00 p.m. and the Area 1A fishery in federal waters closed effective November 8 at 12:01 a.m. as NOAA had projected that 92% of the Area 1A sub-ACL to have been harvested.

Table 3: 2023 '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	Consecutive Landing Days for Category C/D Permits	Poundage that can be Transferred to a Carrier Vessel
1	July 16*-Aug 25	5	320,000	6	0
	Aug 26-Sept 30	0	0	0	0
2	Oct 1-Oct 9	0	NA**	NA**	NA**
	Oct 10-11	2	NA**	NA**	NA**
	Oct 12-Nov 4	0	NA**	NA**	NA**
	Nov 5	4	NA**	NA**	NA**

**Zero landings days were specified for June 1 until the start of the fishery. Fishery did not begin until July 16 in all three Area 1A states (Maine, New Hampshire, and Massachusetts)*

***Weekly Landing Limits, Landing Days for Category C/D Permits, 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 GSI_{30} 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 2023, the Eastern Maine spawning area closed on the default date of August 28th through October 8th, 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.

IV. Status of Research and Monitoring

Under Amendment 3, states are not required to conduct monitoring 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 follows.

Maine and New Hampshire: These states jointly operate an inshore bottom trawl survey in the spring and fall that is designed to catch groundfish, but regularly encounters adult Atlantic

herring. In 2023, the survey reported Atlantic herring observations during both the Spring and Fall surveys. In the Spring 2023 survey, Atlantic Herring were caught in 39 of the 97 tows, and a maximum of 16,224 were caught in one tow (a decrease from the maximum tow in Spring 2022). In the Fall survey, Atlantic Herring were caught in 45 of the 78 tows, and a maximum of 13,330 were caught in one tow (an increase from the maximum tow in Fall 2022).

Maine Department of Marine Resources also conducts commercial portside catch sampling. In 2022, a total of 31 biological sampling events occurred, covering purse seine, mid-water trawl, small-mesh bottom trawl and fixed gear trips. The collection of samples in 2023 was a doubling of samples that occurred in 2022 when 14 samples were collected. This reflects the moderate increase in management area sub-ACLs and fishing activity.

New Hampshire Fish and Game Department also conducts a juvenile finfish seine survey in the Great Bay, its tributaries, and other coastal harbors. In 2023, 28 Atlantic herring were observed during the months of June, August, and September. This is similar to the low observation of 83 Atlantic herring in the 2022 survey, and much lower than the 2021 survey when 2,410 Atlantic herring were observed during the months of June through November.

Massachusetts Division of Marine Fisheries noted fishery dependent sampling was once again not conducted due to lack of Research Set-Aside. Commercial samples were collected from Area 1A fishery landings in support of Maine Department of Marine Resources' biological sampling project.

Rhode Island Division of Marine Fisheries 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 2023 revealed contrasting signals between monthly and seasonal surveys. There was lower monthly biomass (0.07 kg/tow) and abundance (38.14 fish/tow) in 2023 when compared with the five year average (2018-2022: 77.85 fish/tow, 0.40 kg/tow). In contrast the seasonal spring survey was higher in both number of fish per tow and biomass per tow (140.28 fish/tow, 1.69 kg/tow) than the 5 year average (2018-2022: 107.67 fish/tow, 0.96 kg/tow).

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. LISTS was completed in 2023, however the April survey was not conducted due to delays in vessel repairs. April has historically seen higher catches during the survey, so a lower spring index of abundance would be expected. However, over the last seven years Atlantic herring abundance has also had four of the lowest indices in the time series. The 2023 spring index was the same as in 2022 at 0.24 fish/tow. The 2017 index is the lowest since 1984 at 0.11 fish/tow. The 2023 Atlantic herring spring index is about 63% less than the previous ten years and 86% lower than the time series average (1.67 fish/tow). As noted, 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 one of the main drivers of recent low catches. Most

Atlantic herring taken in LISTS spring survey are greater than 20 cm fork length, however, LISTS has seen numerous catches of smaller herring (<10cm) during the spring of 1997-1999 and 2004-2013. Juvenile Atlantic herring are poorly retained in the survey codend mesh (54 mm). It is believed that juvenile Atlantic herring may have been a significant component of the Long Island Sound forage base at the time. Typically few fish appear in the fall survey and those present are generally less than 15 cm.

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 (January, April, June, August, October) between Sandy Hook, NJ and Cape Henlopen, Delaware. In 2023, due to vessel issues the January Ocean trawl survey was cancelled, but all other months were sampled. The 2023 ocean trawl survey yielded 19.25 pounds (166 individuals) of Atlantic herring. This was much lower than the 2022 observations of 781.03 pounds (2,692 individuals) of Atlantic herring.

V. Status of Assessment Advice

Research recommendations from the 2018 benchmark stock assessment (NEFSC 2018)[1] and the 2022 management track assessment (Miller et al. 2022)[2] are listed in the final assessment reports starting on p.517 of the benchmark stock assessment report and p.10 of the 2022 assessment peer review 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.
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.

[1] https://repository.library.noaa.gov/view/noaa/22729

[2] http://www.asmfc.org/uploads/file/63ceca552022AtlHerring_PeerReviewandManagementTrackAssessment.pdf

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 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 2021-2023 combined average commercial landings is less than 0.07%, which 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 quota and catch levels. Although quotas increased in 2023, it is important for the Board to recognize this challenge and discuss how to move forward with sampling the fishery in a low capacity scenario.

One challenge for fishery-dependent data collection is the current lack of funding to continue the Maine Department of Marine Resources' (ME DMR) Atlantic herring portside commercial sampling program, which is currently funded through mid-2025. ME DMR has been sampling the commercial herring fishery since the 1960s, and the sampling includes age, length, maturity, sex, and other important biological attributes. Without funding, ME DMR would be unable to collect biological samples out of state and unable to conduct portside bycatch sampling. These samples have been and are being used in management for the inshore spawning closures and for documenting the effect of management action on the size and age of fish harvested. The commercial sampling program is a vital data source for both the current ASAP and future WHAM assessment models, both of which are fundamentally age structured. Without this sampling program, Atlantic herring would likely revert to an index, or biomass-based method of assessment, increasing uncertainty. If commercial sampling were halted, it would negatively impact the ability to effectively monitor the rebuilding program for Atlantic herring and severely curtail the ability to provide projections for sustainable quota development using the current harvest control rule.

The PRT recommends the Board discuss potential long-term funding solutions for the ME DMR portside sampling program. The Board previously identified two potential approaches: (1)

states can collect samples themselves and send to Maine DMR for processing, or (2) secure alternative funding source(s) for DMR data collection.

Another challenge is the insufficient number of samples to inform the three Area 1A spawning closures in recent years, which likely due to the timing of Area 1A fishery operation. The Area 1A fishery has been at zero landing days from mid-late August through September due to the June-September seasonal allocation being reached in early-mid August. Spawning in Area 1A typically occurs in late summer/early fall during this break in directed harvest, and along with reduced effort from small mesh bottom trawl vessels, these factors have contributed to very few samples available to inform spawning closures.

The PRT recommends the Atlantic Herring Technical Committee review the current spawning closure protocol in Addendum II and determine if there are any concerns with prolonged periods of insufficient samples and implementation of the default closure dates. The PRT notes that Addendum II was developed before the quotas drastically decreased, but also recognizes that during Addendum II development, this scenario of insufficient samples was discussed. While the current default closure dates may already reflect a conservative approach, it may be beneficial for the Technical Committee to review the spawning closure protocol at this point.

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 benchmark stock assessment and 2022 stock assessment update, 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 2024, besides Board consideration of funding for ME DMR's portside sampling program as noted above. The PRT recommends the TC review these research recommendations following the 2025 benchmark stock assessment.

<u>Fishery-Dependent Priorities</u>

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.

<u>Fishery-Independent Priorities</u>

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.
    - 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.
    - 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

Miller, T., Y. Chen, Y. Jiao, and J. Wiedenmann. 2022. 2022 Management Track Peer Review Panel Report. NOAA Fisheries. 22p.

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.

NEFSC. 2020. Atlantic Herring 2020 Assessment Update Report (draft working paper for peer review only). US Dept Commer; 9p.

NEFSC. 2022. Atlantic Herring 2022 Management Track Assessment Report (draft working paper for peer review only). US Dept Commer; 10p.

NEFSC. 2024. Atlantic Herring 2024 Assessment Update Report (draft working paper for peer review only). US Dept Commer; 9p.

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

X. Figures

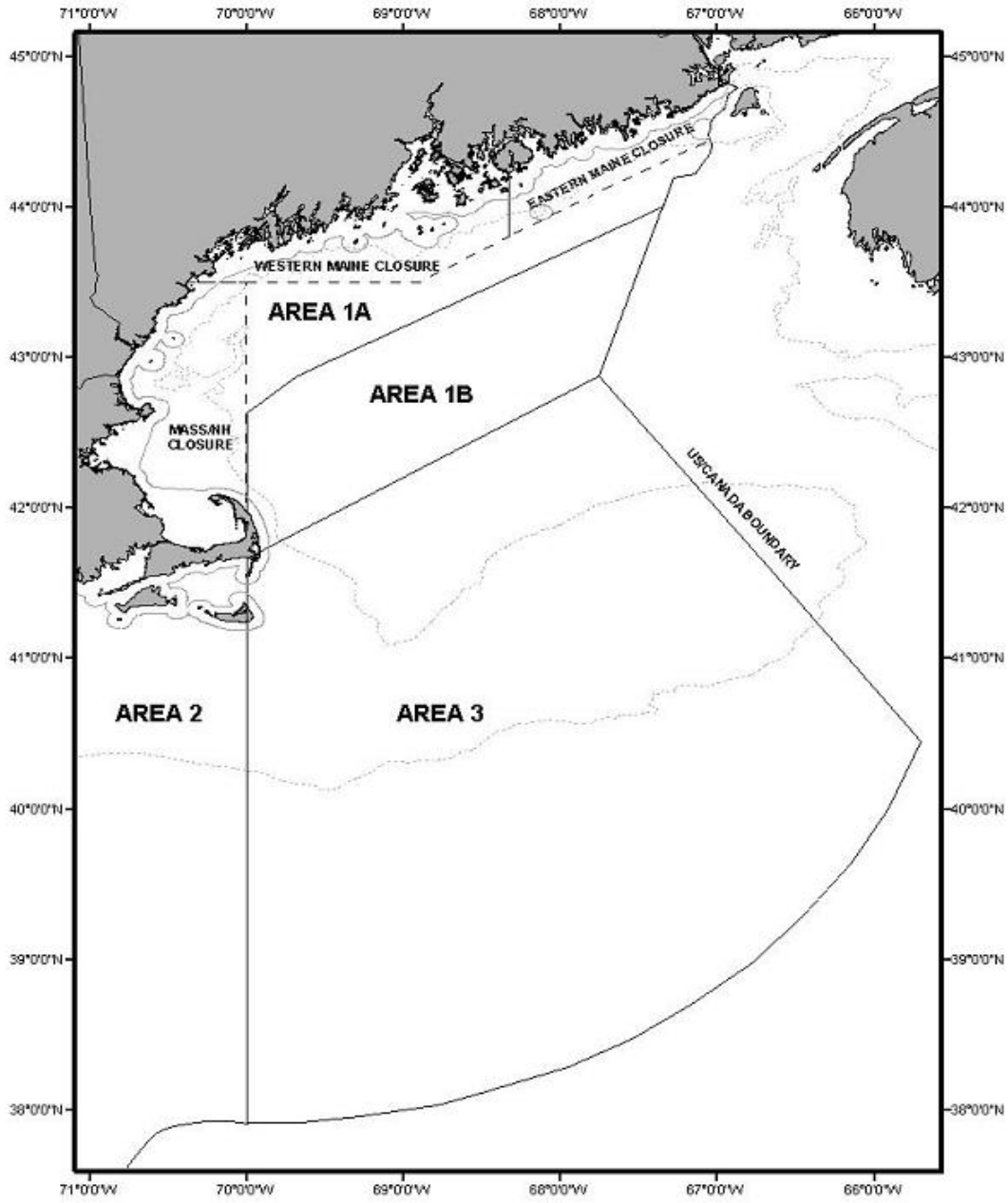

Figure 1. Map of Atlantic herring management areas with boundaries and the three spawning areas are within Area 1A, the inshore region of Gulf of Maine.

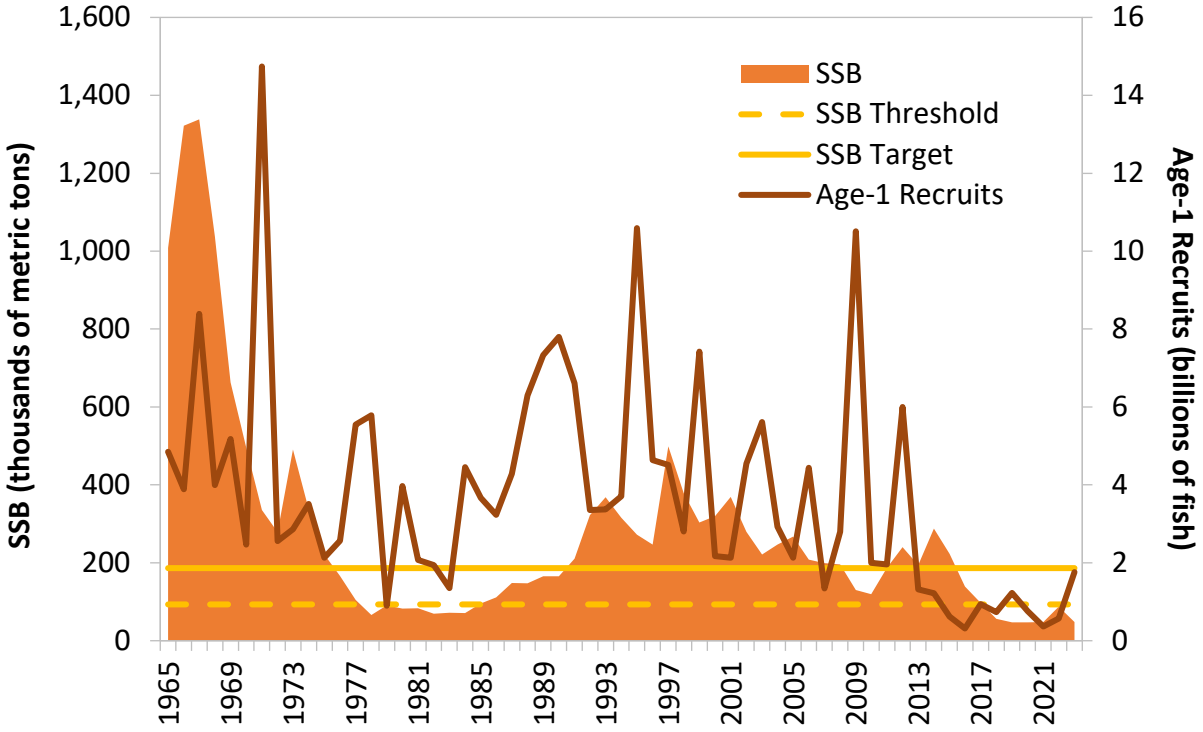

Figure 2. Spawning stock biomass and recruitment from 1965 to 2023. Source: 2024 Management Track Assessment

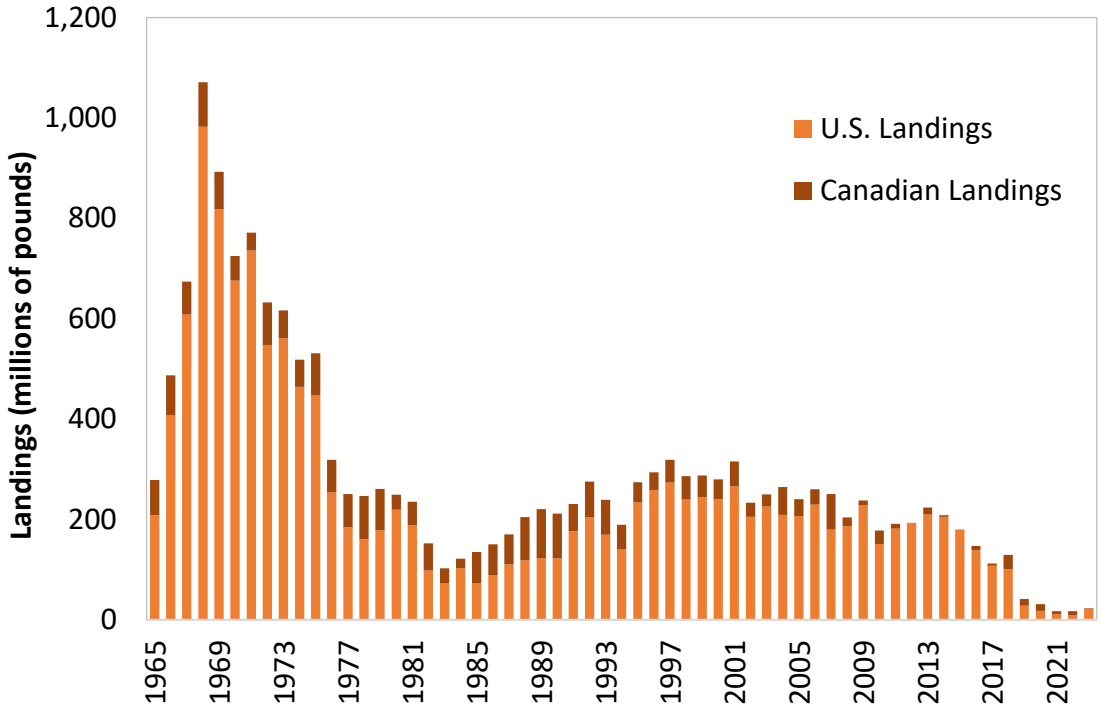

Figure 3. U.S. and Canadian commercial landings from 1965 to 2023. Source: 2024 Management Track Assessment

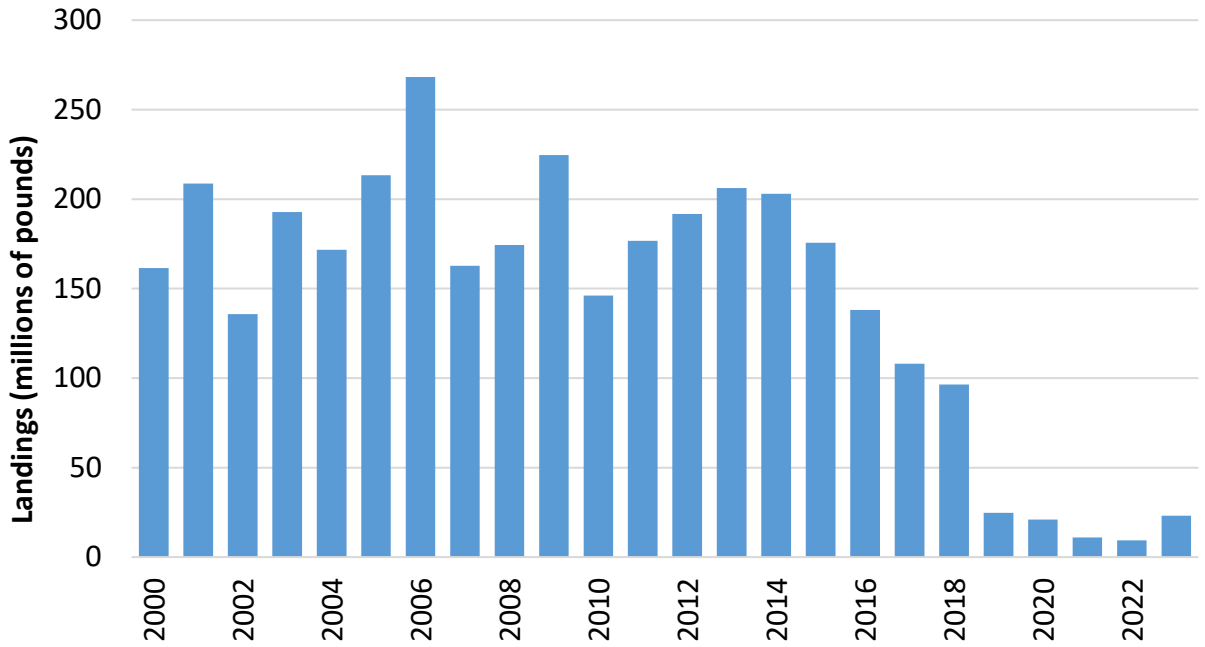

Figure 4. Commercial Atlantic herring landings (non-confidential landings only) by the U.S. fleet from 2000-2023. Source: ACCSP Data Warehouse for 2000-2022; State Compliance Reports for 2023.

Appendix. Days Out and Spawning Closure Notices from 2023

2023 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.asmfc.org

MEMORANDUM

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

FROM: **Toni Kerns, Fisheries Policy Director** TMK

DATE: **April 27, 2023**

SUBJECT: **Area 1A 2023 Effort Controls for June through September**

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 2023 Area 1A (inshore Gulf of Maine) fishery for June 1 – September 30.

The Area 1A sub-annual catch limit (ACL) is 3,050 metric tons (mt) after adjusting for the overage from 2021, the 30 mt fixed gear set-aside, and the fact that Area 1A closes at 92% of the sub-ACL. In October 2022, the Board established the following seasonal allocations for the 2023 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).

2023 Atlantic Herring 1A Quota (in mt) Allocation by Season

Season	1A Quota
1. June 1-September 30	2,220 mt
2. October 1-December 31	830 mt

Days Out of the Fishery

- Landing days will be set at zero (0) from June 1 until the start of the fishery on July 16 at 6:00 p.m.
- Landing days begin on Sunday of each week at 6:00 p.m. starting July 16.
- 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. The week shall begin at 6:00 p.m. on Sundays and conclude at 6:00 p.m. on Fridays. 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.
- Small mesh bottom trawl vessels with an Atlantic herring Limited Access Category C or Open Access D permit that have declared into the fishery may land herring six (6) consecutive days a week. The week shall begin at 6:00 p.m. on Sundays and conclude at 6:00 p.m. on Saturdays.

Weekly Landing Limit

- Vessels with an Atlantic herring Category A permit may harvest up to 320,000 lbs. (8 trucks) per harvester vessel, per week starting July 16.

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.

- 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 July 16, 2023 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.

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

Motions

Move to implement for the 2023 Area 1A Season 1:

- **For Category A vessels, 5 landing days and an 8 truck (320,000 pound) weekly landing limit**
- **Zero landing days before Sunday, July 16 at 6:00pm**
- **Allow harvester-to-harvester transfers but not allow transfers to carriers**
- **For Category C/D SMBT vessels, 6 landing days**

Motion by Ms. Ware, second by Ms. Griffin. Motion passes by consent without objection.

Atlantic States Marine Fisheries Commission

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MEMORANDUM

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

FROM: **Toni Kerns, Fisheries Policy Director** TMK

DATE: **August 21, 2023**

SUBJECT: **Atlantic Herring Eastern Maine Spawning Closure in Effect Starting August 28, 2023 through October 8, 2023; Area 1A Days Out Meeting on September 14**

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 the Addendum II default closure dates, the Eastern Maine spawning area will be closed starting at 12:01 a.m. on August 28, 2023 extending through 11:59 p.m. on October 8, 2023. 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.

Upcoming Days Out Meeting
In addition, Atlantic Herring Management Board members from the States of Maine, New Hampshire and the Commonwealth of Massachusetts will meet via webinar on September 14, 2023 from 10:30 a.m. to 12:00 p.m., to discuss Season 2 (October 1 – December 31) days out measures for the 2023 Area 1A fishery (inshore Gulf of Maine). Days out measures include consecutive landings days for Season 2. The webinar and call information are included below:

Atlantic Herring Days Out Meeting

September 14, 2023

10:30 a.m. – 12:00 p.m.

You can join the meeting from your computer, tablet or smartphone at the following link: https://meet.goto.com/738566485. If you are new to GoToMeeting, you can download the app ahead of time (click here) and be ready before the meeting starts. **For audio, the meeting will be using the computer voice over internet (VoIP)**, but if you are joining the webinar from your phone only, you can dial in at **+1 (872) 240-3212** and enter access code **738-566-485** when prompted. The webinar will start at 10:15 a.m., 15 minutes early, to troubleshoot audio as necessary.

The 2023 Area 1A sub-annual catch limit (sub-ACL) is 3,345 metric tons (mt). The initial specification for the 2023 Area 1A sub-ACL of 3,592 mt decreased by 247 mt due to the catch overage in Area 1A in 2021. After adjusting for the 30 mt fixed gear set-aside and the 8% buffer (Area 1A closes at 92% of the sub-ACL), the Area 1A sub-ACL is 3,050 mt. There is no research-set-aside for 2023.

The Board established the following seasonal allocations for the 2023 Area 1A sub-ACL: 72.8% available from June 1 – September 30 and 27.2% available from October 1 – December 31.

Please contact Caitlin Starks, Fishery Management Plan Coordinator, at 703.842.0740 or cstarks@asmfc.org for more information.

Atlantic States Marine Fisheries Commission

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MEMORANDUM

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

FROM: **Toni Kerns, Fisheries Policy Director** TMK

DATE: **August 25, 2023**

SUBJECT: **Atlantic Herring Area 1A Fishery Moves to Zero Landing Days for Season 1 on August 26, 2023 at 12:01 a.m.**

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 25, 2023. Beginning at 12:01 a.m. on Saturday, August 26, 2023, the Area 1A fishery will move to zero landing days through September 30, 2023, 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 2023 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 Caitlin Starks, Fishery Management Plan Coordinator, at 703.842.0740 or cstarks@asmfc.org.

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MEMORANDUM

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

FROM: **Toni Kerns, Fisheries Policy Director** TMK

DATE: **September 15, 2023**

SUBJECT: **Western Maine and Massachusetts/New Hampshire Spawning Closures in Effect Starting September 23, 2023 through November 3, 2023; Days Out Measures for Season 2 of the 2023 Atlantic Herring Area 1A Fishery**

The Atlantic herring Area 1A 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 insufficient from both the Western Maine spawning area and 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, 2023 extending through 11:59 p.m. on November 3, 2023. 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.

Days Out Measures for Season 2 of the 2023 Atlantic Herring Area 1A Fishery

The Atlantic States Marine Fisheries Commission's Atlantic Herring Management Board members from Maine, New Hampshire, and Massachusetts met September 14 via webinar to set effort control measures for the 2023 Area 1A fishery for Season 2 (October 1 – December 31). The Season 2 quota is approximately 955 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 underage from Season 1, and an 8% buffer (since the Area 1A closes at 92% of the sub-ACL). This does not take into account the possible reallocation of 1,000 mt to the Area 1A sub-ACL based on catch information from the Canadian New Brunswick weir fishery.

The days out measures for Season 2 are as follows:

- Landing days will be set at zero (0) from October 1 to 9.
- The fishery will move to two (2) landing days from 12:01 am October 10 to 11:59 p.m. October 11.
- The fishery will move to zero (0) landing days from October 12 to November 4.
- The fishery will move to four (4) consecutive landing days per week starting on November 5 at 6:00 p.m. until 92% of the Area 1A sub-ACL is caught. Landing days are Sundays from 6:00 p.m. through Thursdays at 5:59 p.m., weekly.

The fishery will only move to four (4) landing days on November 5 at 6 pm if there is remaining Season 2 quota at that time. Quota availability will depend on how much is landed from October 10-11 and if the 1,000 mt reallocation from the Canadian weir fishery to the Area 1A sub-ACL occurs.

While landing days are set at zero (0), harvesters are prohibited from landing more than 2,000 pounds of Atlantic herring per trip from Area 1A during Season 2.

Please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740 for more information.

Days Out Meeting Motions (September 14, 2023)

Move to set the following schedule for Area 1A landing days in Trimester 3:

- **Zero landing days from October 1- 9**
- **Two landing days from 12:01am October 10 to 11:59pm October 11**
- **Zero landing days from October 12 – November 4**
- **Starting on November 5 at 6pm, move to 4 landing days per week until 92% of the Area 1A sub-ACL is caught**

Motion by Ms. Ware.
Motion passed by consent.

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 6, 2023**

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 6, 2023. The Area 1A directed fishery will close effective 6:00 p.m. on November 6, 2023 and remain closed until further notice. Vessels that have entered port before 6:00 p.m. on November 6, 2023 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, 2023.

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