

Atlantic States Marine Fisheries Commission

Atlantic Herring Management Board

*February 4, 2020
9:30 – 11:00 a.m.
Arlington, Virginia*

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.

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| 1. Welcome/Call to Order (<i>C. O'Keefe</i>) | 9:30 a.m. |
| 2. Board Consent | 9:30 a.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from October 2019 | |
| 3. Public Comment | 9:35 a.m. |
| 4. Consider Draft Addendum III for Public Comment (<i>K. Rootes-Murdy</i>) Action | 9:45 a.m. |
| 5. Set Sub-Annual Catch Limit Specifications for the 2020 Fishing Year
(<i>K. Rootes-Murdy</i>) Final Action | 10:30 a.m. |
| 6. Elect Vice-Chair (<i>C. O'Keefe</i>) Action | 10:45 a.m. |
| 7. Other Business/Adjourn | 11:00 a.m. |

The meeting will be held at the Westin Crystal City; 1800 S. Eads Street, Arlington, Virginia 22202; 703.486.1111

MEETING OVERVIEW

Atlantic Herring Management Board

Tuesday, February 4, 2020

9:30 – 11:00 a.m.

Arlington, Virginia

Chair: Cate O’Keefe (MA) Assumed Chairmanship: 10/19	Technical Committee Chair: Renee Zobel (NH)	Law Enforcement Committee: Delayne Brown (NH)
Vice Chair: VACANT	Advisory Panel Chair: Jeff Kaelin (NJ)	Previous Board Meeting: October 2019
Voting Members: ME, NH, MA, RI, CT, NY, NJ, NMFS, NEFMC (9 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 2019

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. Consider Draft Addendum III for Public Comment (9:45 – 10:30 a.m.) Action
Background <ul style="list-style-type: none"> • The Board initiated development of Addendum III to provide more tools for managing the Area 1A fishery under low quotas. • The PDT met via conference call several times in December and January to develop the document. (Supplemental Materials)
Presentations <ul style="list-style-type: none"> • Overview of draft Addendum III for public comment by K. Rootes-Murdy
Board actions for consideration at this meeting <ul style="list-style-type: none"> • Approve draft Addendum III for public comment

5. Set Sub-ACL Specifications for 2020 Fishing Year (10:30 – 10:45 a.m.) Final Action
Background <ul style="list-style-type: none"> • In October the Board set the seasonal allocations for the 2020 Area 1A fishery but the sub-ACL specifications were not available at the time. • A proposed rule for the 2020 Area 1A sub-ACL has not been published yet and the final rule will be published after the Board Meeting.
Presentations

- Overview of 2020 sub-ACL specifications by K. Rootes-Murdy

Board actions for consideration at this meeting

- Set the 2020 sub-ACL specifications via Board motion, pending release of proposed rule by NOAA Fisheries

6. Elect Vice-Chair

7. 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

- Participation on ASMFC PDT (currently working on Draft Addendum III)
- 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

Renee Zobel (NHFG – Chair), Kurt Gottschall (CT DMF), Dr. Matt Cieri (ME DMR), Micah Dean (MA DMF), Corinne Truesdale (RI DFW), Deirdre Boelke (NEMFC), Jonathan Deroba (NOAA NEFSC), Carrie Nordeen (NOAA)

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

Wentworth by the Sea
New Castle, New Hampshire
October 28, 2019

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

Draft Proceedings of the Atlantic Herring Board Management Board Meeting
October 2019

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INDEX OF MOTIONS

1. **Move to approve agenda** by Consent (Page 1).
2. **Move to approve proceedings of April, 2019** by Consent (Page 1).
3. **Move to allocate the 2020 Area 1A sub-ACL seasonally with 72.8 percent available from June through September and 27.2 percent allocated from October through December. The fishery will close when 92 percent of the seasonal period's quota has been projected to be harvested and underages from June through September shall be rolled into the October through December period** (Page 14). Motion by David Pierce; second by Joe Cimino. Motion carried (Page 16).
4. **Move to initiate an addendum to expand the quota period options in Amendment 3 by adding options which address challenges experienced in low quota scenarios (frequent starting and stopping of fishing days, small amounts of quota left at the end of the year). The addendum should include, but does not have to be limited to, an option which allocates 100% of the Area 1A quota to the months of June-December. The addendum should also consider expanding the Small Mesh Bottom Trawl Fleet Days Out provision to all Category C and D permits** (Page 16). Motion by Steve Train; second by Doug Grout. Motion carried (Page 17).
5. **Move to nominate Cate O'Keefe (MA) as Vice-Chair to the Atlantic Herring Board** (Page 19). Motion by David Pierce; second by Eric Reid. Motion carried (Page 19).
6. **Motion to adjourn** by Consent (Page 19).

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ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Eric Reid, RI, proxy for Sen. Sosnowski (LA)
Megan Ware, ME, Administrative proxy	Justin Davis, CT (AA)
Steve Train, ME (GA)	Bill Hyatt, CT (GA)
Sen. David Miramant, ME (LA)	Sen. Craig Miner, CT (LA)
Doug Grout, NH (AA)	Maureen Davidson, NY, proxy for J. Gilmore (AA)
G. Ritchie White, NH (GA)	Joe Cimino, NJ (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Tom Fote, NJ (GA)
David Pierce, MA (AA)	Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)
Raymond Kane, MA (GA)	Peter Kendall, NEFMC, proxy for T. Nies
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Allison Murphy, NMFS
Bob Ballou, RI, proxy for J. McNamee (AA)	

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

Ex-Officio Members

Renee Zobel, Technical Committee Chair	Rob Beal, Law Enforcement Representative
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Staff

Robert Beal	Kirby Rootes-Murdy
Toni Kerns	Maya Drzewicki
Max Appelman	

Guests

Erik Anderson, NH CFA	Carrie Nordeen, NMFS
John-Paul, Bilodeau, Portland, ME	Glenn Normandeau, NH F&G
Dierdre Boelke, NEFMC	Cate O'Keefe, MA DMF
Gabriela Bradt, NH Sea Grant	Michael Pentony, NMFS
Delayne Brown, NH F&G, Law Enforcement	Ryan Rabe, Portland, ME
Peter Burns, NMFS	Jocelyn Runnebaum, TNC
Sarah Heil, NOAA	John Satterly, VSSA
Jeff Kaelin, Lund's Fisheries	Geoffrey Smith, TNC
Alix LaFierriere, TNC	Melissa Smith, ME DMR
Nicole Lengyel, RI DEM	Kevin Staples, NE Regional Council
Chip Lynch, NOAA	Kevin Sullivan, NH F & G
Shanna Madsen, NJ DFW	Pam Thames, NOAA
Jason McNamee, RI DEM	Megan Ware, ME DMR
Mike Millard, USFWS	Lindsey Williams, MIT Sea Grant

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The Atlantic Herring Management Board of the Atlantic States Marine Fisheries Commission convened in the Wentworth Ballroom of the Wentworth by the Sea Hotel, New Castle, New Hampshire; Monday, October 28, 2019, and was called to order at 8:30 o'clock a.m. by Chairman Patrick C. Keliher.

CALL TO ORDER

CHAIRMAN PATRICK C. KELIHER: Good morning and welcome to the Herring Board. My name is Pat Keliher, the Chair. We've got a fairly quick agenda in front of us, but first I don't know if the host state would like to welcome everybody. I think we're somewhere in New Hampshire.

MR. DOUGLAS E. GROUT: Yes thank you very much and we would like to welcome you all. We arranged yesterday to have a classic New Hampshire nor'easter come through, just so that you felt right at home, how we feel and stuff. We've got a lot of good things planned for this week, both work wise and what we need to accomplish here as a Commission, and also social wise.

I think we have a good reception planned for tonight here at the hotel, and then on Tuesday night we're going to go over to the Elks Club, and have a good old lobster feast, and we're going to have New Hampshire sized lobsters, as opposed to Maine sized lobsters. I'll tell you the dress-code for Tuesday night is casual please, casual. You don't come to a lobster bake with a suit on. Welcome everybody, and thank you for coming.

CHAIRMAN KELIHER: Thank you, Doug. I just want to give everybody a heads up. We do have some AV technical difficulties. We are going to not wait for them; we're going to kind of power it through. There may be some delays with the visuals when we get into the slides, but we'll adapt here as we move through the program.

APPROVAL OF AGENDA

CHAIRMAN KELIHER: Item Number 2 on the agenda is Approval of the Agenda. Are there any changes to the agenda? Seeing none, the agenda is approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN KELIHER: Proceedings of the April, 2019 meeting, are there any corrections that need to be made to those minutes? Seeing none, those minutes are approved.

PUBLIC COMMENT

CHAIRMAN KELIHER: Public Comment, we do have one individual, Jeff Kaelin who has signed up for public comments for items that are not on the agenda. Is there anybody else in the audience that would like to speak? Seeing none, Jeff why don't you come right up to that public microphone, please?

MR. JEFF KAELIN: Good morning, and good morning to the Herring Board. Yes I just wanted to bring to your attention a letter that we wrote to the EPA on October 18. I copied Bob on it, but it didn't get in the supplemental materials. It is comments on the EPA designation of an ocean dredge material disposal site for the southern Maine, New Hampshire, and northern Massachusetts coastal region. In the Federal Register Notice of September 18, the EPA says that this site would have minimal potential for interfering with other existing or ongoing uses of the marine environment, including fishing activities, and it's not a unique fishing ground or highly significant fishery harvest area.

But, I understand it does overlap the western Maine, Massachusetts, New Hampshire spawning area. We asked the EPA to evaluate to the extent the site overlaps with the closed areas in the Gulf of Maine, particularly the western area, whether or not the proposed sites specific impacts may be significant. That is

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on the record, sent to Bob, and I just wanted to raise it today.

Maybe it could be evaluated by the Technical Committee, to see to what extent it overlaps, and what the bottom is like, and whether there is some potential for smothering herring eggs out there. That is the issue I wanted to put on the table today. Thank you, Mr. Chairman.

CHAIRMAN KELIHER: Jeff, thank you for those comments. I know a state specifically will comment on those from an individual basis. But I don't believe there has anything tasking that has been done with the TC. We'll talk about that to see if it would be appropriate to bring them forward. Does anybody have any comments on the issue that Jeff has brought up at this time? Dr. Pierce.

DR. DAVID PIERCE: I'll echo the point that you just made that it seems to be an issue of importance that we need to address as an organization, the Sea Herring Board. With your instruction, Mr. Chairman I would suggest that the Technical Committee take a look at what has been proposed, and prepare some comments for submission. I don't know what the deadline is for receipt of comments by EPA, and I don't know how much they are intending to dispose of and where. I would encourage you to charge the TC to take a look at this.

CHAIRMAN KELIHER: Thank you, Dr. Pierce. Are there any objections to charging the Technical Committee to look at the issues that have been raised in the Federal Register by the EPA? Doug Grout.

MR. GROUT: No objections, but we've been well aware of this and been involved with the siting of this at our state. We feel fairly comfortable about this that the Army Corp and the EPA have looked at the areas for the marine resources. But it might be good just to take a look one more time, and I can have Cheri

Patterson take a look at things as to whether we evaluated for egg presence for herring.

CHAIRMAN KELIHER: Great, thank you. I don't think this is going to be a big draw of time on the TC. I believe Maine DMR has also looked at that. We'll have the TC look at it if there are no objections. Seeing none let's continue to move on through the agenda.

MR. KAELIN: Mr. Chairman, it was the comment period in a proposed rule closed October 18, so I'm sure there is going to be a final rule, so there is time to work with them. But thank you.

CHAIRMAN KELIHER: Thank you Jeff, appreciate you bringing it forward.

**PROGRESS UPDATE ON 2019 ATLANTIC
HERRING 1A FISHERY PERFORMANCE**

CHAIRMAN KELIHER: Is there any additional public comment? Seeing none, we're going to go to Item Number 4, which is a Progress Update on 2019 Atlantic Herring 1A Fishery Performance, Renee.

MS. RENEE ZOBEL: Good morning and welcome to New Hampshire. I'll just quickly review the performance of the 1A fishery thus far this year. Here a lovely picture of actually the State of Maine Inshore Trawl Survey this year of our local herring. Our total season TAC for herring was 3,850 metric tons in Area 1A.

That took into account the 39 metric tons for the fixed-gear fishery, 8 percent for bycatch, basically the areas close at 92 percent, and 131 metric tons for research set aside for herring. The Board chose to pursue bimonthly periods for this year for the first time. We were working with four periods. The first period was May and June, with no catch allocated to May, July and August, September and October and Period 4 we are in very shortly, and that will be November and December.

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The breakdown of how that worked. There are specific percentages allocated to each of those bimonthly periods. Just as a reminder, there are different management tools available during different times of year. For Period 1 through the first half of Period 3, this is a little bit odd, because we traditionally have gone in trimesters, and the trimester ends at the end of September.

Now, September is one of the bimonthly periods that end at the end of October. This can get a little bit confusing. The tools available for the period starting in June and ending in September are choices for Category A vessels. The Board may choose landing days, weekly landing limits per vessel, the use of carriers.

For Category C and D vessels landing days are the options for management tools. The second half of Period 3 and Period 4, the only option available to the Board is landing days, so that again starts October 1, so it is part way through one of our periods, which is a little bit confusing. For Period 1 and 2, we actually rolled, or the Board chose to roll Period 1 TAC into Period 2. The TAC allocated to June was rolled into the July-August period, which resulted in 2,175 metric tons available for that timeframe.

That period opened on July 15, and went to zero landing days on August 19. The options that were chosen for the Category A vessels during that timeframe were four landing days, also they were limited to possessing herring taken from 1A during those landing days, so effectively those were landing and fishing days, 160,000 pounds per vessel per week, harvest-to-harvest transfer only.

The use of carriers was prohibited during this timeframe. There were 11 Category A vessels that participated in the fishery during that timeframe. Category C and D vessels were limited to five landing days, and there were six vessels participating. For Period 3, the period

we're currently in, the allowable catch for September through the end of October was 1,309 metric tons.

That period opened September 2, and went to 0 landings days on September 15. The options chosen by the Board were identical to that of Period 2. The same number of vessels participated in the fishery during Period 2 and Period 3. Period 4 that's the period we are headed into here very shortly. There is a slight overage in Period 3, so while originally we had 366 metric tons allocated, 295 metric tons are remaining currently, and likely that number will drop by about 50 metric tons due to an overage that was yet to be reported at this point.

All vessels will open on November 2, but that is pending a transfer of catch from GARFO, will either transfer a catch of 1,000 metric tons or not, depending on the performance of the New Brunswick weir fishery, so if they catch under a certain threshold that management uncertainty comes back into the 1A fishery, if that does not happen the Board will have to make a decision.

Until that happens Period 4 will remain at 0 landings days as it stands right now, this has recently been updated, so should that happen they currently have it moving to 1 landing day not 2. This is just taken from GARFO's website; this shows you the 1A fishery this year. You can see that we're very close to the end of the fishery at that 92 percent line, which is the red line.

Just a quick overview of how the spawning closures went this year. Eastern Maine there was no samples. We knew this year would be difficult with the low quota to get adequate samples to be able to project spawning, instead of closing on default dates, so all our areas actually closed on default dates.

This area closed on August 31 on the default date, opened again on September 13. Western

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Maine, there were two samples. The sample threshold is 3 for being able to project, and that is if the information produces an estimate that is precise enough to do that. This also closed on its default date, which was September 23. It will reopen on November 4.

Mass/New Hampshire spawning closures, this did have four samples, which is over the threshold, but the precision was not good enough to project, so the P value is far greater than 0.05. I think it was 0.11. This closed on the default date as a result of that which was September 23, and it will reopen on November 4. That is all I have today and I'm happy to take any questions.

CHAIRMAN KELIHER: Any questions for Renee? Dr. Pierce.

DR. PIERCE: Yes Renee, regarding the Period 3 overage, to what extent was that overage caused by that violation cited by the Maine Marine Patrol?

MS. ZOBEL: That number did not include the violation. That would be approximately an additional 50 metric tons.

CHAIRMAN KELIHER: Any additional questions? Mr. Train.

MR. STEPHEN TRAIN: Renee, I know normally we – well I don't know if it's Renee or if I should ask Pat – normally we will add any overage to the following year or it will come off the quota, but if we know we have an overage from a violation, shouldn't that be added in now?

MS. ZOBEL: I believe the state of Maine, I've seen a letter that has been submitted to GARFO to request that to happen as soon as possible. I don't know if NOAA Fisheries wants to speak to that.

CHAIRMAN KELIHER: We do have a letter that is submitted, it was part of the supplemental. We have not heard back, but I know Ali, do you have any comments?

MS. ALI MURPHY: I got an e-mail update this morning. I think we're still trying to figure out exactly how to account for that in our monitoring. But we will be accounting for that in our projections, and we're looking for a way to build that overage in. More to come, but we're working on it.

CHAIRMAN KELIHER: Great, thank you for that. While your microphone is on, can you tell me time wise as far as any transfers from the Canadian fishery?

MS. MURPHY: We are working on that package as I updated folks on the days out call. We were routing it, kind of without numbers last week, because we were working with Canada to finalize those numbers. It's all set and ready to go, and fingers crossed in the next few days it publishes.

CHAIRMAN KELIHER: Great, thank you very much.

**UPDATE ON THE DEVELOPMENT OF THE NEW
ENGLAND COUNCIL GEORGES BANK
SPAWNING PROTECTION DISCUSSION**

CHAIRMAN KELIHER: Any additional questions for Renee, seeing none let's move right on to Item Number 5, which is an Update on the Development of the New England Council Georges Bank Spawning Protection Discussion, and Deirdre Boelke is here to give that presentation. Thank you, Dee.

MS. DEIRDRE BOELKE: Good morning everyone, my name is Deirdre Boelke; I work on the New England Council staff. I am the Plan Coordinator for the Atlantic herring fishery management plan, so I'm happy to be here. I was talking with Kirby several weeks ago about

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this section of your meeting, and we thought it would be helpful if I came, since it's not that far away from our office in Newburyport to update you on where the New England Council is with this topic.

We know this is very important to this Commission; you've discussed it over the years as well. I'm here to update you about where the New England Council is, and kind of review some next steps. There is a draft report that was available in your materials that was provided in advance, and then I do have several slides that will just touch on that.

It's a lot of information. I'm going to be trying to go through it pretty quickly, so there is an opportunity for questions. I'm happy to stay after, because I will not have time. This is a pretty short agenda to really dig into the nuts and bolts of the report. But I will stay afterward if you would like to hear more.

Just to give you a little background. The New England Council did identify this as a priority for 2019, so we've been working on it really in the second half of the year. This was decided, we didn't want to fall behind. This was important to a lot of people, so we actually solicited a contract to help us fast track this topic. The Gulf of Maine Research Institute was the Successful Award went to them in May, and we've been working with Dr. Graham Sherwood, Ashley Weston, and Aaron Whitman; three staff from GMRI. It has gone very well, and they've been working over the summer, and then really kind of working on the analysis. Then this fall we've been working through out Council and Committee and PDT to finalize the report.

The scope of this work really, was to review the historical and current scientific research and other relevant info about offshore spawning of Atlantic herring. It was very general, and the report probably in the end will be about 75

pages. There are a lot of figures, a lot of analysis is included in it, and this work was brought to the Plan Development Team for the Council in August.

Then subsequent meetings with industry advisors and our Herring Committee, more recently the Council got a draft report in September, and since then the report is pretty much almost finished. We'll be bringing it back to the New England Council in December, but we're just kind of polishing it, so that will be on track to be completed this year.

The Council, just to let you know, did initiate an action – I'll talk about that at the end of the presentation – for next year, to work on a measure to protect Atlantic spawning of herring offshore. The brief outline of the report itself, the first few sections are not complete in the report that you received.

They are more complete now, but there is going to be some helpful background information about what we do know about spawning of Atlantic herring, the different management actions that have been considered over time. There is also some information from other regions, and other spawning information that we can learn about other measures that are used locally, as well as abroad.

But really the core of this analysis was to try to bring all the data together, really look everywhere, see what we could find, and these researchers from the Gulf of Maine Research Institute did that for us. The idea was to see if when all the data sources were put together there was any kind of consensus or general area, any trends that we could find.

It's essentially a mapping project, taking all this information, putting it into GIS, and producing different figures of this data. The main sources are on the screen. There were six different datasets that were analyzed. The first was a

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very extensive dataset from Maine DMR, and Massachusetts DMF have been collecting portside data, as you know very well at this table, for many years.

All of that information was reviewed for just the offshore regions, so not including Area 1A. All the other regions were kind of evaluated for the GSI values and the maturity stage of Atlantic herring portside. As well the Northeast Fisheries Science Center also has an extensive database of bottom trawl information, as you know.

That was reviewed for any information about maturity of herring. The third dataset was larval, tows have been taken in this region for many years, and those were reviewed specifically for small herring larvae, very tiny less than 9 millimeters. The diet database, we also evaluated to look at fish stomachs that the Northeast Fisheries Science Center keeps. They evaluate kind of the contents of stomachs, and that was investigated to see if there were any records of herring fish eggs. Finally, herring EFH, we do know, you know have a sense of where the herring EFH important areas are offshore, so that was evaluated.

Finally, there are some historical maps and information and we looked at those figures to see if they were kind of jiving with our more updated information. This group also interviewed industry stakeholders, a few less than 10 individuals were interviewed to share their ideas about where there may be spawning areas offshore, and any other input they had about this topic.

Then finally, which is useful for this Commission, the Plan Development Team, which by the way includes the entire Commission Technical Team, discussed possible research recommendations. We're aware that there are some funds that the Commission has set aside to help support this work, and so there

are some recommendations at the end of possible ways to survey and support this topic.

I'm not going to go through this in detail, but just to let you know this gives you a feel for the extensive amount of data that was available and included in this report, over 50 years of information, thousands and thousands of fish and tows completed from these various sources, were all combined in this analysis, and this just gives you a sense of the richness of this information.

I have one slide for each of these topics, just to give you a feel for the information that's included in the draft report, starting with the Maine DMR portside data. The Massachusetts data as I mentioned was also reviewed, but it is not as long, so we'll just show you the Maine DMR as an example here.

Over the last several decades over 17,000 fish have actually been measured for their GSI level, and that is what is mapped on the screen. You can start to get a sense of the core places where the more mature spawning fish are showing up, the ripe and running herring you see kind of along the northern edge of Georges Bank, and kind of these two nodes, as well as a little bit south of Rhode Island as well.

There was so much data there we were able to break it out by month, which was very informative as well. This is a heat map of all the different GSI values for a particular year, the mean GSI by month. It's pretty clear that September and October, those are the dark red, very consistently year after year; this is when the GSI values are highest in the fish that have been observed portside.

Moving to the trawl data, again similar story, a lot of data, in this case over 46,000 records. You'll see the dates are a little bit shorter. That's because this is when in the late eighties the Science Center expanded their bottom trawl

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survey to include maturity of Atlantic herring, not just numbers and weights.

The maturity stage is what's being mapped on the figure on the right, and it's really again the ripe plus ripe and running stage for Atlantic herring. Similar kind of along the northern edge of Georges Bank and this is again over time. We also looked at these, breaking it out over a decade, so really interesting information over time. The third dataset is the larval tows that I mentioned, again very similar story, again a lot of data so we were able to break it out by year, and also looked at this by season.

But 13,000 tows are in this dataset, but then you can get down to the very small herring larvae, and the over 2,000 tows is what's shown in the figure. Again, in similar places, so we are seeing this trend. This is not a surprise. I think this is what people would have expected, but it's nice to see all of this data in agreement.

The months that were the highest frequency of this small herring larvae were October and November, again what you would expect. The food habits database, again this is a huge dataset, not maybe as fruitful as some of the previous datasets, because really there was a small selection of animals that were found to have positive ID for herring eggs.

Really only 113 stomachs of fish out of the over 600,000 samples that are available, the species that did have herring eggs was mostly haddock, a few cod and pollock, and a few flounder and sculpin. The regions where those 113 are in the blue squares on the screen, and you know this is maybe not as weighted as the other datasets that were previously shown, but again similar kind of pockets of where this is being observed.

Not really surprising that it's so few, it's pretty hard I've heard to identify fish eggs in a fish's stomach, they break down pretty quick. But still we wanted to kind of include everything

that was available. The New England Council is involved in essential fish habitat, and we are required to have maps and descriptions for places where we believe essential fish habitat is by species and by life stage.

We looked at specifically herring eggs, and the blue ten minute squares on the screen, this is the original definition of herring eggs, and this was used in this an analysis, rather than the more updated version, which is a bit more expanded, including other sources. The researchers felt that this was the best depiction of really where the herring eggs are expected to be, so this is what was used for that layer.

Finally, the historical spawning grounds as I mentioned there are a few different datasets available here and figures, but this is the one that was selected to give a sense of historical view of Atlantic herring, where we think spawning occurred. This is from some work, Olsen et al in 1977, and was later produced in some maps that were used for petroleum interactions offshore, so the dark red. Some of the other species are these other, displayed differently, but the dark red patches is Atlantic herring, believed to be spawning important grounds.

Finally, all of these different datasets were put together to try to build a consensus. The thought here is each one of those six datasets has a different color, and kind of the core areas from each have been displayed in this figure. The thinking of the researchers was to see where at least three of these different datasets overlapped as a starting point, maybe it should be two, maybe it should be four, but this was the approach taken so far is to see and highlight where three are overlapping. This was all presented to the Atlantic herring advisors and Committee in September. People really grabbed on to the fact that all this information was available, and started thinking about kind of two core areas here on the northern flank by

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the Hague Line, and then here kind of in the Channel. When you highlight those two boxes, again this is just really for illustration, nothing too specific yet, and try to think about how that overlaps with the herring fishery. That was the next component of this report.

We looked at fishing effort in a few different ways, this is just one example. Taking the last ten years and looking at where the fishery has been reporting their fishing locations, again you see some here in Area 1A, and then a few hot spots east of the Cape, and basically across the northern flank of Georges Bank.

But there isn't really too much overlap within these two core areas for spawning. There is definitely some here, and this varies by year. This is just an average of the ten years combined, but the report looks into it in more detail. Just to give you a sense of where these two boxes overlap with existing management areas, this figure is really just for reference.

Again, you have the dark black boxes, potentially where there is maybe more data agreeing for spawning, and then you have the original groundfish mortality closed areas in purple, and this dotted line is under review. Herring Amendment 8 in the Federal FMP is looking at a midwater trawl prohibited area on this dotted portion here, about 12 miles from shore, which extends out to 20 miles, which is again not approved yet.

But that is as proposed by the New England Council. This just gives you a sense, both of these happen to overlap existing habitat management areas in a solid line, as well as you know decently, heavily fished areas right outside in both cases so pretty diverse areas for widespread fishing, but in terms of herring not as much so.

The industry interviews, I just have one slide about this. Again the key takeaways—these

were nice conversations that the researchers had—really was that spawning the industry felt was very variable, and it would be hard to pinpoint the exact time and location where you would be able to expect year-after-year spawning to occur.

The spawning condition of herring is relatively rare, people were saying from their experience, and their fishing efforts offshore, and really the data that we've looked at agrees with those sentiments. The histogram on the right is showing you that same Maine portside data, the GSI kind of in bins, getting to more ripe and running fish on the right.

This is from all of the fish over all of those years, 17,000 fish records, only 400 of them really are falling in this ripe and running portion over here. Really most of the fish observed, again this is landed by the portside program, are in these less mature phases to the left. Very much in agreement with what the data is describing as well.

Finally, the research recommendations are described toward the end of the report. There is some suggestions here about enhancing portside sampling, if we had more trips observed from the Georges Bank trips in particular there would be more information. There is more sampling in the Gulf of Maine, as you would imagine. It has increased over time, especially with the Massachusetts program coming online. But there always could be more. There is another suggestion to look at at-sea collection of this information; observers currently now are not documenting maturity of herring. It's possible that that could be a feasible idea moving forward, if people are interested in exploring that more.

Finally, a fishery independent survey would probably of course be the best way to see what's happening, not just where the fleet is fishing but everywhere across the resource. It

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would be more expensive, it would probably take several, and maybe five years the PDT is thinking, to really get a handle on the variability.

Those ideas are described, and the PDT just wants to remind everyone that the herring stock is at low abundance right now, compared to where it's been in the past. It may not be representative. What we're seeing right now may not be really where spawning happens normally. We need to kind of keep that in mind.

This is the initial highlights from the authors. Looking at all these different datasets it does point towards spawning in these two core locations. The data is also very supportive of September and October being the primary months to focus on. Spring spawning was reviewed through the trawl surveys, not seeming to be very important.

Very few records were found with spawned fish ripe and running. Right now the industry is interacting minimally with these grounds, a bit so more further east. The Plan Development Team recently had a conference call to update and review the more final report, and there were maybe a handful of things that the Plan Development Team would like the researchers to work on for the final report.

But after that as I mentioned, sometime in November this report should be finalized and presented to the New England Council at their December meeting, and would be available online for everyone else to use. The New England Council met in September, I'm almost finished here, and they did pass a motion to initiate a framework action to protect spawning of herring in Herring Management Areas 3, 2, and 1B, so everywhere outside of Area 1A.

This motion did carry unanimously, and it is part of a suite of other things the Council may work

on next year. The Council is kind of in the middle right now of deciding what to work on next year. This is a process they go through every year. The five items on the screen are the things that potentially could be on the list for herring.

The Center has already committed to doing the assessment, which is the first one. There will be an updated assessment in June, so that is a definite. The herring specifications could be modified following that updated assessment for the next three years, again that is probably pretty much a definite that we would be working on that.

Numbers 3, 4, and 5 are kind of the potential things that would be worked on. The Herring Committee looked at those to date, and they have already provided input to the Council that they would rank this action on spawning above the others. That is the current input from the Herring Committee. Each individual Council member will now go through the process of thinking about what they think is important, and then finally at the December Council meeting they'll make this final decision. It appears, at least for now, that the spawning issue is the priority that would be added to the mix of things to be worked on next year. They have already had this motion from above that has been passed unanimously.

That basically starts the process, and the bulk of this work most likely would occur in 2020. In terms of the other topics, the mackerel related issues. If those get added it just might extend the amount of time that some of these things can take, if people want to try to work on all of them. I'm just trying to give you this background to give you a sense.

I know this is an important topic for the folks here, and the Council is working on it. Probably by the December Council meeting would be the most apparent, clear way that we'll know where

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we'll be with this topic. But for now the Council has definitely initiated this framework, and is starting work. I think that is all I have.

CHAIRMAN KELIHER: Deirdre that was a great update. I appreciate the Council's work on this, as a lot of good work has been done, and we look forward to seeing the final report from GMRI in December. Are there any questions from the Board? Dr. Pierce.

DR. PIERCE: Okay Deirdre, thank you for that. Would you be willing to speculate as the staff is involved in all of this? From what we've heard, from what we've read in that report that's been provided in draft form that the Council will be considering spawning closure protection in those relatively small blocks that were identified as a consensus spawning area.

With the potential to expand those areas, if indeed they should be expanded based upon the research that is going to be done following up with those recommendations made by the PDT. I'm kind of getting the impression that is where we're going, and just curious as to whether you might have the same perspective, or something different.

MS. BOELKE: Sure David, I've worked at the Council long enough never to speculate about what they'll do. But I'll humor you, since this is your last meeting. Yes. The Herring Committee was headed in that direction, and they highlighted those boxes as kind of direction, initial direction to the Herring PDT, as well as some sort of potential expanded type of approach.

As you know, when that got to the Council table the thought was, well before we get too specific let's see the final report, see where things are headed. I crystal ball, yes, the action will likely include several alternatives, because they always do. It probably will start with where

that report finished, and probably some expansions.

There were lots of other conversations though about, well what gear types are we talking about? Is this just the herring fishery? Are there other fisheries included? We need to really spend more time looking at some monthly impacts on the fishery. You know it might look one way when it's the entire year, but quite a different story if you're just looking at the fall and things like that.

We definitely have a bit ahead of us, in terms of really knowing what the universe of alternatives may be. Peter Kendall is here, the Chair of the Herring Committee, if he wants to add anything else about his predictions of where the action will go, since he gets to help craft that more than I do. But I think people should feel comfortable that there will be likely a range of alternatives, similar in spirit of what we've seen so far, I would imagine.

CHAIRMAN KELIHER: I have a feeling we might be doing a lot of humoring of Dr. Pierce as the week goes along. Ritchie White.

MR. G. RITCHIE WHITE: Great report, a lot of data that you've given to us clearly. I could use a little humor on the answer to this question. If this is chosen for high priority, what is the best-case-scenario timeline that this could be implemented?

MS. BOELKE: Thank you for asking that question, because I meant to mention that during my slides and forgot to. If the Council really seriously starts Council PDT working on this with the Committee, most likely after the priorities discussion in December, you know we would really get going in January, in reality.

It would take probably at least one Council cycle to look at the alternatives, another Council cycle to look at the impacts. You know best

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case scenario, we could have a final action in June. I think that's pretty aggressive, from some of the issues that have come up. But even if they take final action, you know through the federal program, there are still lots of review that happens later.

I did want to make it clear today that even if we have a package by June, and the Council takes final action on it, it would not be in place for that fall spawning season in 2020. I think people should hear that and appreciate that to kind of manage expectations. If it went as normal, even under a good scenario, people should think more not in place by fall.

CHAIRMAN KELIHER: Any additional questions for Deirdre? I'm conscious of the time here, we've got about 20 minutes left for this time slot for the Board. Doug Grout.

MR. GROUT: Just a quick question, Deirdre. The work that GMRI did was well above what I expected there was that kind of data for. I was kind of curious; do you think something similar could be done for the Gulf of Maine by them, if somebody was to contract them to do it? Do you think they have the information up there?

MS. BOELKE: Sure, so the datasets that they've focused on so far have not included Area 1A for the most part, but those obviously exist. I have spoken about this with them briefly, just as a curiosity myself, and yes all of these data do exist for Area 1A as well. I'm sure if someone was willing to pay for it they would be interested.

CHAIRMAN KELIHER: It never takes long for money to come up. Are there any additional questions?

**REVIEW AND SET THE
2020-2021 FISHERY SPECIFICATIONS**

CHAIRMAN KELIHER: Seeing none, let's move on to Item Number 6, which is Review and Set

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the 2020-2021 Fishery Specifications. This is a final action, and Kirby has a few slides on this.

MR. KIRBY ROOTES-MURDY: As Deirdre has mentioned, the Council approved Framework 6 in June of this year. That contains 2019 to 2021 specifications, and a new overfishing definition consistent with the 2018 benchmark assessment, because they incorporated that information it required them to go through a framework process. The framework has been submitted to National Marine Fisheries Service for review, and it proposes a lower catch limit for Area 1A sub-ACL for 2020 and 2021.

It would decrease to 3,344 metric tons, based on the ABC Control Rule proposed in Amendment 8, so that is approximately a 23 percent decrease from 2019 levels. In terms of other key specifications that were approved as part of Framework 6 by the Council, the management uncertainty buffer was set at 4,560 metric tons.

Previously it had been set at 6,000 metric tons, and just as background, this management uncertainty buffer is the difference between the ABC, the acceptable biological catch, and the ACL, the annual catch limit. It was set at this new level based on ten years-worth of data from the Canadian catch.

Basically we take the information that comes out of the Canadian, New Brunswick weir fishery, and that is accounted for through this management uncertainty buffer to ensure that it doesn't cause the total catch combined plus U.S. catch to go over the ABC. The Border transfer was set at 100 metric tons, basically this applies to fish caught in Area 1A by U.S. fishermen that is transferred to Canada via a Canadian carrier.

The fish must be for human consumption, and until 2019 it had been set much higher, at about 4,000 metric tons. In terms of specific to the

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sub-ACLs, Area 1A was apportioned 28.9 percent of the ACL. It also maintained the seasonal sub-ACLs, so for Area 1A, 0 quota would be attributed to January through May, and 100 percent from June through December.

The 2021 specifications will likely be revised, based on the 2020 Stock Assessment Update that would be completed next year. The target implementation date for this framework and these specifications is January 1. With that I'll take any questions for this portion of my presentation.

CHAIRMAN KELIHER: Are there any questions for Kirby? Seeing none, continue.

MR. ROOTES-MURDY: All right I'll continue on to Area 1A Specifications. What this Board typically does is approve specifications as recommended by the New England Fishery Management Council, as well as a motion to allocate how that sub-ACL for Area 1A will be divvied up, either seasonally, by trimester, or bimonthly, then also specifying that the fishery would close when 92 percent of the seasonal period quota has been harvested, and that any underages would be rolled into subsequent allocation periods.

Now a decision point for this Board today is because Framework 6 has not been approved by NOAA yet, this Board could similar to last year punt, and deal with the actual specifications in February of next year, or you could choose today to set them as approved by the Council, understanding they may be adjusted for any overages that occur this year. That aside, this Board still needs to set the allocation of the 2020 Area 1A sub-ACL at this meeting today. As a reminder, per Amendment 3, the Board can consider distributing the sub-ACL using bimonthly, trimester, or seasonal quota periods. The Board can also decide whether quota from January 1 through May 31 would be allocated to later in the fishing

season. Just as a reminder, this is how we had the quota allocated this year. Basically we had a four bimonthly quota period, first period was June, that was rolled into July, which is part of Period 2, which has July and August, and then there is Period 3, September-October.

Period 4, November through December, and the approximate allocations are on the screen. There are other options, in terms of divvying up the quota. These are all laid out in the Amendment. I want to make clear though that if there is an interest in coming up with a different allocation scheme than what is laid out in Amendment 3, that would require an addendum.

Again, decision points today, whether to set the sub-ACL for 2020 and then the need to allocate that sub-ACL throughout the fishing season. The other thing that can be considered that Renee talked about earlier in her presentation today was the management tools that are currently in the tool box.

Current tools include landing days by permit category, weekly landing limits, the use of carriers for Category A permits during June through September, and landing days only for October through December. Making any changes, adding you know new tools to that tool box would also require an addendum. With that I'll take any questions.

CHAIRMAN KELIHER: Any questions for Kirby? Dennis Abbott.

MR. DENNIS ABBOTT: With the lower sub-ACL has anyone done the math as to what the divisions of tonnage would be per bimonthly period at this time?

MR. ROOTES-MURDY: I have not, and I don't believe anybody else has off the top of our head.

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MR. ABBOTT: Low?

CHAIRMAN KELIHER: I think low was the accurate description, yes. Are there any additional questions? We do have the task of allocating the Area 1A sub-ACL through the fishing season, or is there interest in waiting on that to see what the Council action is going to be? Oh, we have to set that one today.

We can either bimonthly or make a change. I do know there were a lot of comments in regards to concerns with the bimonthly over this season versus the normal process of using trimesters. I don't know if anybody else has had comments of that type made. Mr. Train, do you have a question?

MR. TRAIN: I have a motion, but I don't know if we need to set the quota before this comes in. I'm not sure where we are in the ABC category here in order. What is it you need now, and would the motion for an addendum be in place now or after we set?

MR. ROOTES-MURDY: As mentioned before, typically at this meeting the Board would approve the specifications as recommended by the New England Council. Because they have not been approved by NOAA Fisheries yet, this Board could wait to approve the sub-ACL that total ACL, until February, or today you could move to approve the 2020 specifications as recommended by the Council. That is something that could be decided today, or moved on. What has to be decided today is how you divvy up the quota, the sub-ACL for the 2020 fishing season. That is laid out in Amendment 3.

CHAIRMAN KELIHER: Steve, do you have a follow up on that?

MR. TRAIN: Not so much a follow up, but I hate making decisions based on not all the information. I understand we normally do it,

but I think we should wait. We haven't got all the info. Then I think by the time we have all the info, we could have another tool. I guess I could move to initiate an addendum. If we're not out of time series order on this I'll make it now.

CHAIRMAN KELIHER: We need to deal with setting the periods first. Then based on that if you're interested in an addendum to address additional tools in the toolbox, you could make that after we finalize the process in which we're going to move forward with. He showed a slide with several options on how to proceed. We could mirror what we did last year, which is bimonthly periods, or we could go back to trimesters as we've done in the past. Doug Grout.

MR. GROUT: Realizing that we may initiate an addendum to try and put more tools in the toolbox, what I would suggest is that I have a motion to try and put some specifications in for now, until such time as we decide on this potential addendum that we're moving forward with. Essentially what it would be is to mirror what we did last year. If you would like me to read that motion into the record I would be happy to do that.

CHAIRMAN KELIHER: Why don't you go ahead and do that Doug.

MR. GROUT: Okay, I move to allocate the 2020 Area 1A sub-ACL bimonthly in a manner consistent with the options in Table 5 in Section 4.2.3.2 of Amendment 3 that is labeled no landings prior to June 1, with June as a one-month period. This results in the following distribution: Period 1(June), 16.4 percent, Period 2(July/August), 40.1 percent, Period 3 (September/October), 34 percent, Period 4 (November/December), 9.5 percent.

The fishery will close when 92 percent of the seasonal period's quota has been harvested,

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and any underages from one period may be rolled into the following period. If you're looking for the wording of that I can either e-mail it to you, or you can pull it up from last year's meeting and just change the year on it.

CHAIRMAN KELIHER: I think Max is pulling that up now. While he is finalizing that is there a second to that motion? Everybody wants to read it first.

MR. GROUT: I would add one other word after bimonthly and put periods in a manner consistent with the options.

CHAIRMAN KELIHER: All set, Doug?

MR. GROUT: Yes.

CHAIRMAN KELIHER: We have a motion on the Board. Has everybody had a chance to review the motion? Do we have a second for that motion? There is no second for the motion. It fails for lack of a second. Does anybody want to take a different shot? Dr. Pierce.

DR. PIERCE: Yes, I don't believe that the bimonthly approach was that useful. I believe it presented difficulties regarding monitoring the fishery and making decisions about opening and closing. I appreciate the fact that we used the bimonthly approach this year, however I wasn't satisfied with the bimonthly approach, and neither were a lot of individuals who had to live with that particular approach, in terms of opening and closing fisheries, cutting the number of days. **I would make a motion to return to the trimester approach, using the previously established trimester allocations.**

CHAIRMAN KELIHER: We have a motion by Dr. Pierce, do we have a second? We have a second from somebody way down in the end, from Joe, thank you. We have a motion and a second, discussions on the motion while it's being typed. Doug Grout.

MR. GROUT: Dr. Pierce, does this include the aspects of rollover into subsequent periods? Does it also include the aspect that we normally don't open the fishery until June 1, or are you intending to have it open January 1, because without that kind of details in the motion the fishery opens January 1?

DR. PIERCE: It would include the same provisions, the same details that we used when we had the trimester approach, which would mean we're not starting January 1, it would be the June 1 date, so as not to complicate matters and go back too far in time, where it didn't work very well. I believe this procedure worked well. Not everyone might agree with it, but I still believe that it's more favorably considered by the industry, and certainly by me.

CHAIRMAN KELIHER: Thank you, Dr. Pierce. Doug, is your concern about the ability to start with zero landing days to move fish later into the summer, because we would still have that ability under the trimester approach?

MR. GROUT: No, my concern was that I wanted to make sure it was clear, because when we set the trimester approaches we had more details in the motion. One of the aspects was that the fishery would not start until June 1, and without that it starts January 1.

CHAIRMAN KELIHER: Toni.

MS. TONI KERNS: David, if it was your intention to do it as we had in the past, I could help you out with some percentages and some language, if you need it.

DR. PIERCE: Yes Toni, I would appreciate that. I haven't got that information readily available.

MS. KERNS: We'll put it up on the board for you, and then you can read it.

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CHAIRMAN KELIHER: Not to put words in your mouth David, does that cover what you were trying to do, as well as the seconder, Joe?

DR. PIERCE: Those were the right words in my mouth.

CHAIRMAN KELIHER: Good. I'll read it into the record. This has been approved and agreed upon by the maker of the motion and the seconder. Move to allocate the 2020 Area 1A sub-ACL seasonally with 72.8 percent available from June through September and 27.2 percent allocated from October through December.

The fishery will close when 92 percent of the seasonal period's quota has been harvested and underages from June through September may be rolled into the October through December period, motion by Dr. Pierce, seconded by Mr. Cimino. Are there any questions or comments on the motion? Mr. Train.

MR. TRAIN: For the same reason I didn't second Doug's motion, as I was trying to get clarification on whether if this passes will it preclude us from using any other tools we put in the toolbox if we do, at our May and June or July meetings?

CHAIRMAN KELIHER: That would not happen. If we initiate an addendum, the addendum passed and the Board voted in the affirmative, those tools would be available to the Board. Is there any additional, Eric Reid.

MR. ERIC REID: Are we going to roll over if there are any underages, or are we just going to think about it? This says we may roll it in. Are we going to roll it in or are we going to have to talk about it and then the season will be over before we make a decision? Should it be shall be rolled over or how is that going to work?

CHAIRMAN KELIHER: Toni.

MS. KERNS: It does roll every time. If you want to change the word to shall we can, but we have previously in the past if there has been something left over it automatically rolls over.

CHAIRMAN KELIHER: We have potentially another perfection that needs to be made here along with that one.

MR. ROOTES-MURDY: Dr. Pierce, just so you're clear. With this motion we don't often have definitive information saying that we're at 92 percent of the quota period, we go off of projected harvest, so we just want to make sure that that is clearly understood, and we can modify this motion to make sure it says projected harvest. Is that fine by you?

DR. PIERCE: That's fine by me if that's the way we've already done it, I assume that would be the case again.

CHAIRMAN KELIHER: Is that all right with the seconder of the motion, Joe is good? Do we need to add the word? Doug.

MR. GROUT: I believe the way we've done it in the past, and I'll let Renee clarify this or not, was that the final 95 percent is when it's projected. But is it that the 92 percent is when we reach it?

MS. ZOBEL: This has been a point of contention in the past. From a procedural standpoint, projected to be harvested would give us more control to not have an overage in a trimester.

CHAIRMAN KELIHER: There is adding "projected" and then "shall", from "may" to "shall" that has been brought up by Eric Reid. Is that also okay by the maker of the motion and the seconder? We've got heads nodding. Max, if you could change that as well. This is a final action so this is a roll call vote. I'm going to read the motion one final time, since we've perfected it. Before I do are there any

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additional questions? No need to caucus, I'm assuming, seeing none.

Move to allocate the 2020 Area 1A sub-ACL seasonally with 72.8 percent available from June through September and 27.2 percent allocated from October through December. The fishery will close when 92 percent of the seasonal period's quota has been projected to be harvested and underage from June through September shall be rolled in the October through December period. Motion by Dr. Pierce, seconded by Mr. Cimino, it's a roll call vote, Kirby.

MR. ROOTES-MURDY: I'll go down starting with Maine.

SENATOR DAVID MIRAMANT: Yay.

MR. ROOTES-MURDY: New Hampshire.

MR. GROUT: Yes.

MR. ROOTES-MURDY: Massachusetts.

MR. RAYMOND W. KANE: Yes.

MR. ROOTES-MURDY: Rhode Island.

MR. REID: Yes.

MR. ROOTES-MURDY: Connecticut.

DR. JUSTIN DAVIS: Yes.

MR. ROOTES-MURDY: New York.

MS. MAUREEN DAVIDSON: Yes.

MR. ROOTES-MURDY: New Jersey.

MR. JOE CIMINO: Yes.

MR. ROOTES-MURDY: New England Fishery Management Council.

MR. TOM NIES: Yes.

MR. ROOTES-MURDY: National Marine Fisheries Service.

MS. ALI MURPHY: Abstain.

CHAIRMAN KELIHER: Motion passes 8 in favor with 1 abstention and no null votes. All right Kirby, where are we then on the agenda? Mr. Train, do you have a motion that you were planning on making?

MR. TRAIN: If it's time, yes I do.

CHAIRMAN KELIHER: Unless there is additional questions I think now is the time.

MR. TRAIN: I think you may have a copy of it already if you want to put it up, and I would be happy to read it if you would like. That looks like the right one. **I move to initiate an addendum to expand the quota period options in Amendment 3 by adding options which address challenges experienced in low quota scenarios (frequent starting and stopping of fishing days, small amounts of quota left at the end of the year).**

The addendum should include, but does not have to be limited to, an option which allocates 100 percent of the Area 1A quota to the months of June-December. The addendum should also consider expanding the Small Mesh Bottom Trawl Fleet Days Out provision to all Category C and D permits.

CHAIRMAN KELIHER: Motion by Mr. Train, do we have a second? Second by Doug Grout, would you like to give any further information on the motion?

MR. TRAIN: I'll try to be brief. As Commissioner Pierce pointed out the start and stop fishery isn't good for anybody, and this would allow us

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to consolidate the fishery into a shorter time period and make it more efficient.

CHAIRMAN KELIHER: Ritchie White.

MR. WHITE: I certainly support this motion. You can see right now we presently have 295 metric tons left for the last period this year, which makes no sense at all. This would give us the ability to address a situation like that.

CHAIRMAN KELIHER: Are there any additional comments? Seeing none, I will quickly read the motion into the record. Move to initiate an addendum to expand the quota period options in Amendment 3 by adding options which address challenges experienced in low quota scenarios (frequent starting and stopping of fishing days, small amounts of quota left at the end of the year). The addendum should include, but does not have to be limited to, an option which allocates 100 percent of the Area 1A quota to the months of June-December. The addendum should also consider expanding the Small Mesh Bottom Trawl Fleet Days Out provision to all Category C and D permits, motion by Mr. Train, seconded by Mr. Grout.

Are there any objections to the motion? Seeing no objections the motion passes without objection, thank you. Is there anything else under Item Number 6, seeing none?

UPDATE ON MAINE ENFORCEMENT EFFORTS

CHAIRMAN KELIHER: Item Number 7 is an Update on Maine Enforcement Efforts. Major Beal, are you still in the room? Just not hiding any longer?

If you could have a seat at the public microphone, Major Beal is going to give a very brief update on the enforcement actions that we have dealt with in Maine pertaining to Atlantic herring. I just want to reiterate before

he does that that there are many things that he will not be able to answer questions on, because there is still some ongoing investigative activity associated with this case. Major Beal.

MAJOR ROB BEAL: Thank you and good morning. I'll tell you that I'm a little nervous in being here, because I hear about the length of my probation on a daily basis from Commissioner Keliher.

MR. KELIHER: It may be longer, depending how you do.

MAJOR BEAL: Yes sir. As the Commissioner mentioned it's an ongoing investigation. It was essentially a one-month investigation to the herring fishery, with some oversight between Portland and Rockland Harbors. The investigation as a whole resulted in about eight charges, mainly targeted at one fishing vessel, the Western Sea.

We ended up with three DMR hail violations, three violations for exceeding the 160,000 pound weekly landing limit, and then we also had a wholesale dealer that was failing to report, and was also in violation of holding any herring permit. At the end of it, from just a single landing date, a single trip for September 8 and 9, we seized approximately 140,000 pounds of fish. That is generally the condensed version of our effort in Maine.

CHAIRMAN KELIHER: Thank you, Major Beal. Are there any questions to the Major? Dr. Pierce.

DR. PIERCE: I'm not sure if the Major can handle this one, but I'll ask anyways. But first of all, disappointed in the actions of the owner of the Western Sea, I've got great respect for him, worked with him for many years, so this was a great disappointment to me in terms of what has happened allegedly.

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What are the choices or the options for penalties that would be considered, if indeed this moves forward and the operator is found guilty of this rule violation, monetary fine, suspension of permit? I know in my agency I'm rather liberal. Well I shouldn't say liberal, I tend to suspend permits or revoke permits, because these are very significant violations impacting the good work that we do as a Board. What is the nature of the penalties that might be used?

CHAIRMAN KELIHER: Thank you for that. These are all civil violations in the state of Maine under our civil codes. The fines are fairly minor, frankly. Major, you can remind me what the range of the fines are for those.

MAJOR BEAL: Yes, as the Commissioner mentioned they are all civil offenses, and the fine caps at \$500.00, pretty insignificant.

CHAIRMAN KELIHER: The major penalty will come from license suspensions. There are three individuals who will go through that process. We are still in the process of determining whether that will be through our administrative process or suspensions after a conviction, two very different processes that we have in Maine.

A final decision has not been made, and a recommendation has not been made by Maine Marine Patrol yet, but we can suspend any and all licenses. We could take lobster licenses associated with this case too, and because of the severity I'm sure the Patrol will be considering those types of recommendations before they come to my office. There is also cooperation with NOAA OLE on this, so there could be additional actions taken by NOAA as well, in regards to permits. Are there any additional questions, Ritchie?

MR. WHITE: I have a comment. Do you want questions, or are comments appropriate? First I would like to commend the state of Maine for

taking such an action. My understanding is it was quite a major effort to do this. The size of this overage in these low quota era is substantial, and I think brings great concern to the amount of law enforcement and/or regulations we have in place.

There are many rumors circulating around in the fishing industry that this was not a onetime event in the industry, not saying for this vessel. My suggestion would be that we send to the Law Enforcement Committee a request to do a white paper to analyze all our existing law enforcement efforts.

Then for them to look at whether we need anything additional from a regulatory standpoint or whether there needs to be some new initiatives or additional efforts to make sure this doesn't happen again going forward. There is some possible money available if states did need some additional resources to carry out any big efforts.

I talked to the Director and we do have Plus-up money for Area 3 spawning protection research, which we probably will not need now. He said it would be appropriate that we could use some of that money towards herring enforcement if that was needed, so that would be an additional tool that the Law Enforcement Committee could look at. That would be my suggestion, Mr. Chair, and I would make a motion if that's necessary.

CHAIRMAN KELIHER: I'm not sure it will be necessary. Are there any thoughts or comments on the points that Ritchie is bringing up? Basically if I understand it, Ritchie, it's just to remand this back to the Law Enforcement Committee to have them review practices and procedures associated with herring enforcement, correct? You suggested a white paper. Do you think we need to be as formal as a white paper, or could it just be a report back to this Committee?

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MR. WHITE: Whatever Law Enforcement, whatever method they would deem to report back to us.

CHAIRMAN KELIHER: The Chair of the Law Enforcement Committee was whispering in my ear; "A report back would be great." I'm not sure we need a motion on this. Are there any objections to having Law Enforcement Committee review practices and procedures associated with herring enforcement? Seeing none, we'll make sure that that is brought to the Herring Committee for further discussion. Thank you for bringing that up.

Are there any additional questions or comments for Major Beal? If not Major, you can take one month off your four-year long suspension. Not suspension, excuse me. It was almost a suspension, probation. Just one of those slips that is probably more accurate when I say it. Thank you.

ELECT VICE-CHAIR

CHAIRMAN KELIHER: Item Number 8 is an election of Vice-Chair, this is an actionable item. We have a hand up, Dr. Pierce.

DR. PIERCE: I think as most people know I am retiring, therefore I cannot take on the role of Chair at our next business meeting. I just have a suggestion to make for consideration by the Board, and that is to have as my replacement, so to speak, a member of my staff who frankly does all the hard work on sea herring at this time, and has for quite a long time that is Dr. Catherine O'Keefe, known as Cate.

Cate is in the audience. Cate is a member of the New England Fishery Management Council Sea Herring Committee, acting as my proxy. She has been, I think, Maine and New Hampshire representatives. I thoroughly understand she has been involved in all the calls related to sea herring days, and other issues related to sea herring management at the Interstate level. I

would just make a suggestion to you, Mr. Chairman that instead of me as I depart that Dr. Catherine O'Keefe should be elected Vice-Chair.

CHAIRMAN KELIHER: We have a nomination of Catherine "Cate" O'Keefe, who did not run out of the room at the suggestion. Eric Reid, Eric Reid has seconded that nomination. Any questions or comments on the nomination, now is your chance to get your digs in on Cate. Are there any objections, seeing none congratulations, Cate.

ADJOURNMENT

CHAIRMAN KELIHER: That brings us to other business. Is there any other business to be brought before the Herring Board? Seeing none, a motion to adjourn would be in order. Several motions to adjourn, the meeting is ended.

(Whereupon the meeting adjourned at 9:52 o'clock a.m. on October 28, 2019)

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