

Atlantic States Marine Fisheries Commission

Atlantic Herring Management Board

October 16, 2023

9:00 – 9:30 a.m.

Hybrid Meeting

Draft Agenda

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

- | | |
|---|-----------|
| 1. Welcome/Call to Order (<i>M. Ware</i>) | 9:00 a.m. |
| 2. Board Consent <ul style="list-style-type: none">• Approval of Agenda• Approval of Proceedings from January 2023 | 9:00 a.m. |
| 3. Public Comment | 9:05 a.m. |
| 4. Set Quota Periods for the 2024 Area 1A Fishery (<i>C. Starks</i>) Final Action | 9:15 a.m. |
| 5. Update from the New England Fishery Management Council (<i>J. Cournane</i>) | 9:20 a.m. |
| 6. Elect Vice-Chair Action | 9:25 a.m. |
| 7. Other Business/Adjourn | 9:30 a.m. |

The meeting will be held at Beaufort Hotel (2440 Lennoxville Road, Beaufort, North Carolina; 252.728.3000) and via webinar; click [here](#) for details

MEETING OVERVIEW

Atlantic Herring Management Board

October 16, 2023

9:00 – 9:30 a.m.

Hybrid Meeting

Chair: Megan Ware Assumed Chairmanship: 08/22	Technical Committee Chair: Vacant	Law Enforcement Committee Representative: Delayne Brown (NH)
Vice Chair: Vacant	Advisory Panel Chair: Jeff Kaelin (NJ)	Previous Board Meeting: January 31, 2023
Voting Members: ME, NH, MA, RI, CT, NY, NJ, NMFS, USFWS (9 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from January 2023

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

4. Set Quota Period for the 2024 Area 1A Fishery (9:15-9:20 a.m.) Final Action

Background

- Per Amendment 3 ([section 4.2.3](#)), quota periods shall be determined annually for Area 1A using bi-monthly, trimester, or seasonal quota periods.
- For the current 2023 fishing year for Area 1A, the Board adopted a seasonal quota approach with 72.8% available June-September, and 27.2% available October-December.
- The 2024 Atlantic herring ABC is 23,409 MT, the ACL is 19,189 M and the sub-ACL for Area 1A is 5,546 MT. This could be adjusted based on any quota overages in 2023.

Presentations

- Overview of Amendment 3 quota period system by C. Starks

Board actions for consideration at this meeting

- Set quota periods for the 2024 Area 1A fishery.

5. Update from New England Fishery Management Council (9:20-9:25 a.m.)

Background

- Update on New England Fishery Management Council action and activity on Atlantic herring (**Briefing Materials**).

Presentations

- NEFMC update by J. Cournane

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 PRT/PDT
- Participation on NEFMC PDT
- Summer/fall collection of spawning samples per the spawning closure protocol
- Annual state compliance reports are due February 1

TC Members

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

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

**The Westin Crystal City
Arlington, Virginia
Hybrid Meeting**

January 31, 2023

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

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INDEX OF MOTIONS

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

For 2023

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

For 2024

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

For 2025

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

for 2025 For all three years:

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

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

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

ATTENDANCE

Board Members

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

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

Ex-Officio Members

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

Staff

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

Guests

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

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

CALL TO ORDER

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

APPROVAL OF AGENDA

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

APPROVAL OF PROCEEDINGS

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

Seeing none; those proceedings are approved by consent.

PUBLIC COMMENT

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

SET SPECIFICATIONS FOR THE 2023 TO 2025 FISHING YEARS

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

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

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

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

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

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

These minutes are draft and subject to approval by the Atlantic Herring Management Board.
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Draft Proceedings of the Atlantic Herring Management Board Hybrid Meeting
January 2023

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

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

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

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

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

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

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

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

CHAIR WARE: Follow up, Justin.

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

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

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

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

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

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

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

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

CHAIR WARE: Thank you for sacrifice, Melanie.

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

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

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

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

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

CHAIR WARE: Thank you, Melanie, and we had a second by Mr. Reid. **Is there any discussion**

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

ADJOURNMENT

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

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

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New England Fishery Management Council

FOR IMMEDIATE RELEASE
October 2, 2023

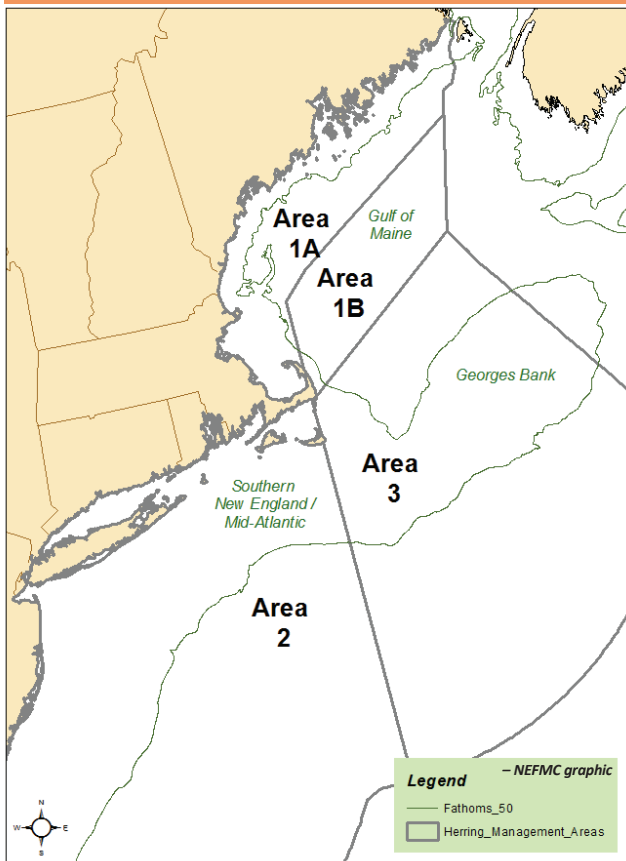
PRESS CONTACT: Janice Plante
(607) 592-4817, jplante@nefmc.org

Atlantic Herring: Council to Develop Amendment 10 to Address Fishery Issues; Launches Planning Process for Scoping Meetings

The New England Fishery Management Council has agreed to develop an amendment to the Atlantic Herring Fishery Management Plan (FMP) to minimize user conflicts in the fishery and address other issues.

In preparation for this action, the Council also agreed to develop a scoping document and schedule a series of scoping meetings to receive initial input from stakeholders on the potential range of alternatives to be considered in the amendment.

Atlantic Herring Management Units Areas 1A, 1B, 2, and 3



HERRING AMENDMENT 10: The Council has been working on an action that previously was referred to as “revisiting the Inshore Midwater Trawl Restricted Area that was developed under Amendment 8.” The restricted area was implemented but subsequently [vacated](#) by a federal court on March 29, 2022.

During its [September 25-28, 2023 meeting](#) in Plymouth, Massachusetts, the Council voted to change the title of the new action to “an action to minimize user conflicts related to the Atlantic herring fishery.”

The Council already had approved a problem statement to guide this work, and it expanded the scope of the action when it met [in June in Freeport, Maine](#).

At the September meeting, the Council took the additional step of designating the action as an amendment to, more specifically, “address spatial and temporal allocation and management of Atlantic herring at the management unit level to minimize user conflicts, contribute to optimum yield, and support rebuilding of the resource.”

SCOPING MEETINGS: The Council further voted to hold scoping meetings as a first step toward identifying the full range of issues to be considered in Amendment 10. The Council tasked its Herring Committee and Herring



New England Fishery Management Council

Plan Development Team (PDT) with developing a scoping document and scoping meeting schedule that included in-person meetings and one virtual meeting. The Council said the scoping document should:

- Be designed to solicit participation from all user groups with an interest in the herring resource; and
- Include a review of user conflict records in the Atlantic herring fishery, which should sum up previous analyses and public comments received during the development of Amendment 8 and other relevant Council actions.

The Council indicated it wanted to review the scoping document at its late-January 2024 meeting in Portsmouth, New Hampshire.

WHAT IS SCOPING: The scoping process is an important part of the amendment development process. It marks the first and best opportunity for members of the public to raise issues and concerns for the Council to consider during the development of an amendment. Public comments received early in the amendment development process through scoping help the Council address concerns more thoroughly and ensure that an adequate range of alternatives is considered in the amendment.

WHAT'S NEXT: Future meetings of the Herring Committee and Herring Advisory Panel will be posted on the Council's [herring webpage](#). Check in for updates. The Council will be taking final action on 2024 work priorities during its December 2023 meeting in Newport, Rhode Island. Here is the [initial list](#) of priorities the Council is working from, which will be whittled down. For herring, the Council already has a full plate of "required" actions for which it has no discretion to change. These include: (1) a fishing year 2025 through 2027 specifications package; (2) following the June 2024 Atlantic Herring Management Track Stock Assessment; (3) participating on the working group for the 2025 Atlantic Herring Research Track Assessment; and (5) coordinating with the Atlantic States Marine Fisheries Commission and the Mid-Atlantic

Council on Atlantic herring and river herring and shad issues.

The Council will continue to work on Amendment 10 along with its 2024 requirements and any other adopted priorities.



Atlantic herring being salted for bait. – NEFMC file photo



Questions?

Contact Dr. Jamie Cournane, the Council's herring plan coordinator, at jcournane@nefmc.org. Documents used by the Council at this September meeting are [posted here](#).