

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

**Beaufort Hotel
Beaufort, North Carolina
Hybrid Meeting**

October 16, 2023

TABLE OF CONTENTS

Call to Order, ASMFC Director Robert Beal 1

Approval of Agenda 1

Approval of Proceedings from January 31, 2023 1

Public Comment 1

Set Quota Periods for the 2024 Area 1A Fishery..... 1

Update from New England Fishery Management Council 3

Elect Vice-Chair..... 5

Adjournment 5

INDEX OF MOTIONS

1. **Move to approve agenda** by Consent (Page 1).
2. **Move to approve proceedings of January 31, 2023** by Consent (Page 1).
3. **Move that the Board implement seasonal quota for the 2024 Area 1A sub-ACL seasonally with 72.8% available from June through September and 27.2% allocated from October through December, with no landings prior to June 1, and for underages to be rolled over into the next quota period for 2024** (Page 2). Motion by Jeff Kaelin; second by Steve Train. Motion carried by unanimous consent (Page 3).
4. **Move to nominate Doug Grout as Vice-Chair of the Atlantic Herring Board** (Page 5). Motion by Melanie Griffin; second by Justin Davis. Motion passes by unanimous consent (Page 5).
5. **Motion to adjourn** by Consent (Page 5).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Eric Reid, RI, proxy for Sen. Sosnowski (LA)
Steve Train, ME (GA)	Justin Davis, CT (AA)
Rep. Allison Hepler, ME (LA)	Bill Hyatt, CT (GA)
Renee Zobel, NH, proxy for C. Patterson (AA)	Craig Miner, CT, proxy for Rep. Gresko (LA)
Doug Grout, NH (GA)	Marty Gary, NY (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)	Jeff Kaelin, NJ (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Conor McManus, RI, proxy for J. McNamee (AA)	Allison Murphy, NMFS
David Borden, RI (GA)	

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

Ex-Officio Members

Delayne Brown, Law Enforcement Representative

Staff

Robert Beal	Caitlin Starks	Kristen Anstead
Toni Kerns	Tracey Bauer	Katie Drew
Tina Berger	Emilie Franke	Jeff Kipp
Madeline Musante	James Boyle	

Guests

Max Appelman, NOAA	F Joel Fodrie, Institute of Marine Sciences (UNC-CH)	Cheri Patterson, NH (AA)
Robert Atwood, NH FGD	Christine Ford, NOAA	Janice Plante, NEFMC
Pat Augustine	Joe Gresko, CT (LA)	Will Poston
Rob Beal, ME Marine Patrol	Jaclyn Higgins, TRCP	Marianne Randall, NOAA
Emily Bodell, NEFMC	Jesse Hornstein, NYS DEC	Christopher Scott, NYS DEC
Alex Boeri, MA DMF	Gregg Kenney, NYS DEC	Somers Smott, VMRC
Colleen Bouffard, CT DEEP	Blaik Keppler, SC DNR	Kevin Sullivan, NH FGD
Michael Brown, ME DMR	Chip Lynch, NOAA	Rachel Sysak, NYS DEC
Jeffrey Brust, NJ DEP	John Maniscalco, NYS DEC	Laura Tomlinson, MA DMF
Dennis Colbert	Daniel McKiernan, MA (AA)	Corinne Truesdale, RI DEM
Margaret Conroy, DE DNREC	Meredith Mendelson, ME DMR	Beth Versak, MD DNR
Jamie Cournane, NEFMC	Lorraine Morris, ME DMR	Megan Ware, ME DMR
Caitlin Craig, NYS DEC	Rebecca Nuzzi, Maine Lobstermen's Assn.	Craig Weedon, MD DNR
Scott Curatolo-Wagemann, Cornell Cooperative Extension of Suffolk County	Conor O'Donnell, NH FGD	Shelby White, NC DDMF
	Scott Olszewski, RI DEM	Chris Wright, NOAA

The Atlantic Herring Management Board of the Atlantic States Marine Fisheries Commission convened in the Rachel Carson Ballroom via hybrid meeting, in-person and webinar; Monday, October 16, 2023, and was called to order at 9:00 a.m. by Robert E. Beal

CALL TO ORDER

CHAIR ROBERT E. BEAL: All right, good morning, everyone. Let's go ahead and get the Atlantic Herring Board started. First off, welcome to Beaufort, and the ASMFC 81st Annual Meeting. A couple quick announcements before we get up and running with this Board, and I'll probably make them again later today.

Our federal partners from NOAA Fisheries have a travel ban, or they are transitioning to a new travel and budget software program, so they are unable to travel. The NOAA Fisheries folks that participate on our boards and on our other committees will not be in attendance, and they will be participating remotely.

As you notice on your agenda the Chair of this Board is Megan Ware, and I am not Megan Ware, I'm Bob Beal from ASMFC. Megan is coming down this evening, and she wasn't able to get down here last night. She asked me to go ahead and chair this meeting, just to make it simpler, and she doesn't have to do it virtually.

With that, I think those are the announcements we needed to make, and welcome to Beaufort. A number of folks will be around from North Carolina, if you have questions on where to go, where to eat, where to fish, and all those important things.

APPROVAL OF AGENDA

CHAIR BEAL: With that, let's go ahead and get up and running. First thing we need to do is Approval of the Agenda. Any changes or additions to the agenda? Pretty straightforward, we've only got 30 minutes. Not seeing any hands, anything online? I don't

think we have any hands online. The agenda stands approved.

APPROVAL OF PROCEEDINGS

CHAIR BEAL: Any changes or additions to the proceedings from January of 2023? It's been a while since this Board has got together. All right, seeing none; those proceedings from January, 2023, are approved by consent.

PUBLIC COMMENT

CHAIR BEAL: That brings us to Public Comment. Any public in the room? There are not a lot of folks in the back here. Any public comments online? Are there any hands raised online? All right, no hands, no public comments here in the room. We will keep moving forward.

SET QUOTA PERIODS FOR THE 2024 AREA 1A FISHERY

CHAIR BEAL: Agenda Item Number 4 is setting the quota periods for the 2024 Area 1A fishery. Caitlin is going to give a quick presentation on that, and provide the background on that, then we'll take final action at the Board. Caitlin.

MS. CAITLIN STARKS: I'll just give a short overview of the Quota Period options for the 2024 Area 1A fishery. The Quota Period system was established by Amendment 3, and then Board action for consideration today is to consider setting the quota periods for the 2024 Area 1A fishery.

Per Amendment 3, quota periods shall be determined annually for Area 1A, and specifically the Board can consider distributing the Area 1A sub-ACL using a bimonthly, a trimester or a seasonal quota period to meet the needs of the fishery. The Board can also decide whether quota from January 1 through May 31, will be allocated to later in the fishing season.

Finally, the Board can specify if underages might be rolled over from one period to the next within the same year. Here on the screen are the three quota period options outlined in Amendment 3. It's important to note that these allocation percentages

are all fixed, and they can only be modified through an addendum.

Up on top of this screen is the bimonthly quota period category, with quota allocated to two-month periods throughout the year, and then two options for no landings prior to June 1st. The next option is in the bottom left, and that is the trimester quota period with three quota periods throughout the year. Finally, there is the seasonal quota category with one option for landings prior to June 1st, and one option for no landings before June 1st.

For reference here, the quota periods that were approved by the Board in recent years. In 2019, the Board allocated the 1A sub-ACL using the bimonthly option, with no landings prior to June 1st. For the most recent four years, the 2020 through 2023, the Board has allocated the Area 1A sub-ACL using the seasonal quota period, with no landings prior to June 1st. That is 72.8 percent allocated to June through September, and 27.2 percent for October through December.

In all of these years the Board did allow underages in one quota period to be rolled into the next period. To wrap up, the Board's action for today is to consider setting the quota period for the 2024 Area 1A fishery from those options in Amendment 3, and for a reference the Area 1A sub-ACL for 2024 is 5,546 metric tons. I can take any questions.

CHAIR BEAL: Any questions for Caitlin on the presentation and process and options available for allocation of the Area 1A quota? Seeing none; I think this Board has been through this drill a number of times. Is there a motion for the allocation of Area 1A quota? Jeff Kaelin.

MR. JEFFREY KAELIN: Yes, I **move that the Board adopt the seasonal quota periods with no landings prior to June 1, the status quo option.**

CHAIR BEAL: Jeff, we're going to get that up on the screen. Make sure it reflects what your intent was. Then I'll ask for a second. Jeff, does this reflect what your intent was, what is up on the screen now? Okay.

MR. KAELIN: Oh, I'm sorry, it's got to be read, duh. Yes, does that satisfy what Caitlin had on the screen for the **status quo option, with the 25 and the 7 percent in the fourth quarter?** I think that's it.

CHAIR BEAL: I guess the other remaining part is whether the **unused quota from one period can be rolled over into the subsequent period.**

MR. KAELIN: I'm sorry, yes, I would like to **add that** if that is possible. I don't have a second anyway.

CHAIR BEAL: Okay, we'll **add that to the motion**, then I'll ask for a second. I think Melanie Griffin had here hand up online. All right, Jeff, are you satisfied with that?

MR. KAELIN: Yes, I am, thank you.

CHAIR BEAL: Ray Kane had his hand up, are you looking to make a second, or you have a question?

MR. RAYMOND W. KANE: I have a question on the wording. Are we implementing seasonal quotas or are we maintaining seasonal closures? I believe this is an FMP as it stands.

MS. STARKS: They have to be set annually, so each year you have to set a new quota period.

MR. KANE: Thanks.

CHAIR BEAL: Is there a second for this motion? Steve Train, thank you. Any discussion on this motion? Doug Grout.

MR. DOUGLAS E. GROUT: Just curious, do we need to **specify the percentages between the seasonal quotas**, or does it just say.

MR. KAELIN: I think it's assumed.

CHAIR BEAL: We will add that for clarity, Doug. We'll get that added while we continue our discussion. I think Melanie is online and had her hand up. Melanie.

MS. MELANIE GRIFFEN: Hey Bob, I was ready to offer a motion very similar with all the percentages in this, so yes, I appreciate the status quo. I think it's much like last years, should provide some stability and access in 1A, and what's in across user groups as we're trying to continue to support stock rebuilding. It's important to this motion, thanks.

CHAIR BEAL: Other comments on this motion, as we perfect it. All right, let's hang tight for a minute while staff perfects it, then I'll call for a vote, unless there is any other comment. **Jeff, this is a little out of order with Robert's Rules, but are you comfortable with the perfected motion that is up on the board? It puts more detail on what your intent was, I believe.**

MR. KAELIN: Yes, that's fine.

CHAIR BEAL: The seconder, is Steve Train, shaking his head yes. I will read the motion into the record, since I think it's been modified a couple times along the way, and then call for a vote. **Move that the Board implement seasonal quota for the 2024 Area 1A sub-ACL seasonally with 72.8% available from June through September and 27.2% allocated from October through December, with no landings prior to June 1, and underages to be rolled over into the next quota period of 2024.** Motion by Mr. Kaelin, second by Mr. Train.

Is there any objection to this motion from the Board? All right, seeing none; this motion stands approved by consent.

UPDATE FROM NEW ENGLAND FISHERY MANAGEMENT COUNCIL

CHAIR BEAL: That brings us to our next agenda item, which is a Report Out from Dr. Cournane

from the New England Fishery Management Council. Jamie, are you online and ready to roll?

DR. JAMIE COURNANE: Good morning, I am, thank you. Thank you for the opportunity to provide a brief update from the New England Fishery Management Council. As many of you are aware, there was an inshore midwater trawl closure in place for about a year. It was a roughly 12-mile buffer zone from Rhode Island to the U.S/Canada border with a little larger buffer off of Cape Cod. It prohibited vessels from using, deploying or fishing with midwater trawl gear within that restricted area.

It was addressing concerns at the time by the Council of concentrated intense commercial fishing effort that would negatively impact other user groups that were dependent on herring as forage. It was in addition to the seasonal midwater trawl closure that is in place in Area 1A, and that run June 1 to September 30, annually.

That was vacated by the courts, and since that time the Council has been discussing how to revisit this Amendment 8 Inshore Midwater Trawl closure. Today what I'm going to report on is what the Council has decided to do in its work to address concerns about vacating that management area. Over a series of meeting that occurred in April and June, the Council developed what they refer to as a problem statement or a new action that they'll undertake.

The Council adopts the following problem statement, and the purpose of the action is to develop and implement management actions designed to obtain optimum yield, and improve the conservation status of Atlantic herring by accounting for its critically important role as a forage species in the ecosystem, and minimizing user conflicts created by competing interest on the herring resource. Between the directed herring fishery and other important user groups, including commercial and recreational fisheries, whale watching and tourism.

Council will explore a range of management alternatives to minimize user conflicts, including spatially and temporally explicit gear restrictions, area closures and possession limits. The geographic scope of the potential management measures will consider but not be limited to the spatial extent of the Midwater Trawl Restricted Area approved by the Council in Amendment 8, with a particular focus on areas not already subject to seasonal closures to midwater trawl.

Analysis conducted to support this action will also evaluate the changes in the incidental catch of shad and river herring that will likely result in measures adopted to reduce spatial and temporal user conflicts. This last point, the Council wanted to clarify that although we want to develop specific alternatives to address river herring and shad, the analysis conducted in any alternatives in this action will include an analysis of the impacts on river herring and shad. Furthermore, the Council went on to say that it was modifying its priorities to develop this action, and that it could include any gear types in the plan. Recently, at the September Council meeting, the Council had a series of motions to further articulate its plans for this action. It now is referred to Amendment 10. Amendment 10 we have a press release that we shared with the Board.

Hopefully you had a chance to look that over. It covers these three motions the Council made in their September meeting. First was to clarify what this action is going to address. It had been a priority on our list titled, revisit the Amendment 8 Inshore Midwater Trawl closure. Based on the Council's discussion in June, it was clear that this is expanding beyond, not only the footprint of the original area, but the gears that could be involved.

Now it's referred to as an action to minimize user conflicts related to the Atlantic herring fishery. The Council went on to specifically task the Herring Committee and the Plan Development Team to develop what they refer to as a Scoping Document and a schedule for

public hearing. They would like to see this draft by the January, 2024 Council meeting. They want an opportunity for in-person hearings and at least one virtual hearing, and these should be designed to solicit participation from all user groups that are interested in the Atlantic herring resource.

They also went on to ask that we review and compile records from past discussions, including those that occurred in Amendment 8, and testimony we received on the Council actions as well. Lastly, the Council went a step further, and designated this as Amendment 10, stating that it's to address spatial and temporal allocation in management of Atlantic herring at the management unit level, to minimize user conflicts, contribute to optimum yield, and support rebuilding of the resource.

Thank you for the opportunity to provide this update. If there are any questions, I can take them. Otherwise, you are more than welcome to e-mail or call me if you have questions about the Council's next steps. We'll be working over the next few months to prepare a draft schedule, and draft scoping document in time for the Council's January meeting.

CHAIR BEAL: Great, thanks, Jamie for the update. One hand here in the room, Justin Davis.

DR. JUSTIN DAVIS: Thank you, Dr. Cournane for that presentation. I have a question. The revised problem statement here for Amendment 10, seems to have lost the language from the earlier problem statement related to assessing changes in incidental catch of shad and river herring that might result from any new management measures implemented. Was that intentional? Sort of, did the Council in their discussions at the most recent meeting decide that that would not be part of Amendment 10 going forward?

DR. COURNANE: Thank you for your question. To clarify, everything that you see in these motions as well as the motions that took place in June on the problem statement stand. I think of maybe the last motion here on the screen as the Council expressing

what kind of action it would like to undertake, and the public process in the second motion.

The third motion really speaks more to the scope, but the problem statement still stands. With respect to river herring and shad, just to be very clear. The Council is not planning to develop specific measures in this action, Amendment 10, that would, for example, reduce impacts on river herring and shad. But what they are committed to doing is analyzing any impacts of the measures that they develop. We look at that routinely with all the actions, but they wanted to be clear with the public that that analysis will occur with this action.

CHAIR BEAL: Great, thanks, any other questions in the room or online for Dr. Courneau? Seeing none; Jamie, thanks again for the update, and the Board looks forward to more updates as the Council works their way through Amendment 10. If there is anything ASMFC can do to help the Council move through that process, you know please reach out and we'll help out.

ELECT VICE-CHAIR

CHAIR BEAL: The next agenda item is the election of a Vice-Chair. I think Melanie Griffin has a motion ready to go. Melanie.

MS. GRIFFEN: I do, thank you. I would **move to nominate Doug Grout as Vice-Chair of the Atlantic Herring Board.**

CHAIR BEAL: Excellent, is there a second to the nomination of Doug Grout, Justin Davis. Dr. Davis, thank you. **Is there any objection to electing Doug Grout as the Vice-Chair, other than from Doug himself, that doesn't count? All right, not seeing any, congratulations, Doug, you are the Vice-Chair of the Herring Board.**

ADJOURNMENT

CHAIR BEAL: That brings us to Other Business. Other business before the Atlantic Herring Board, is there anything else that anyone needs

to or wants to bring up at the end of this meeting? We've got a couple extra minutes. Not seeing any, I think we're done pretty quickly. That ends the deliberations of the Atlantic Herring Board.

(Whereupon the meeting adjourned at 9:30 a.m. on October 16, 2023)