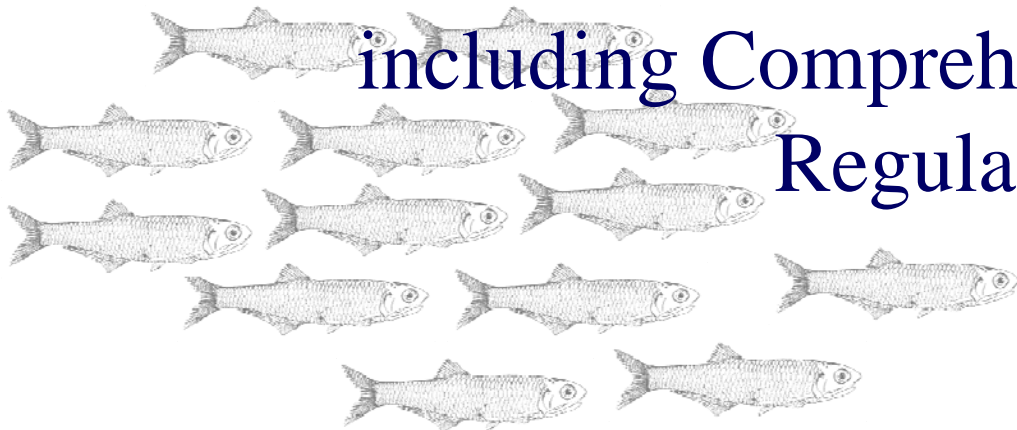




*Working towards healthy, self-sustaining populations
for all Atlantic coast fish species or successful
restoration well in progress by 2015*

Amendment V to Amendment 2
including Comprehensive Spawning
Regulations





Amendment V

- Amendment 5 final measures were approved in August 2012
 - Included changes to the spawn herring size bins and sample amounts measures
- Spawning measures are contained in 4 management documents
- Lack of clear guidance to states in some documents
- Slight inconsistencies as result
- One Clear set of rules in Appendix A





Replace Spawning Measures

When final, will replace all spawning regulations in FMP to provide a single, clear document for states to use to comply with ASMFC spawning regulations.

1. Section vote on final measures
2. PDT draft spawning regulations carryover language including selected options from addendum V.
3. Section review and approval of language.
4. Addendum V published.





Comprehensive Measures Include



➤ Spawning Restrictions

- Spawning areas
- Spawning closures
- Tolerance Provisions
- Bycatch Allowance
- Other considerations



**Potential Issues and Considerations
with a Georges Bank/Nantucket
Shoals Offshore Spawning Area**

*Report to the Atlantic Herring Section
from the Technical Committee*

Annual Meeting 2012

Introduction

- Stakeholders and managers suggest spawning closures on GB/NS
- Disapproved by the RA
- GB/NS is a big place!
- For inshore; complex and time consuming monitoring and sampling
 - Three sub-areas, default dates, and predicted closures based on GSI
- Involves MA DMF, ME DMR and NH F&G
- 100 + samples per year
- TC has issues Managers may wish to address

Issue 1: Goals and Objectives

- Spawning closures not a biological issue *per se*
- Assessment only looks at yearly mortality; not “minimum size”
- Some concerns about disrupting spawning behaviors/ egg beds
 - Note other fisheries can exploit in spawning areas
 - Not a lot of examination
- Some benefit of shifting effort offshore
 - Inshore component thought to be at capacity while off-shore is not

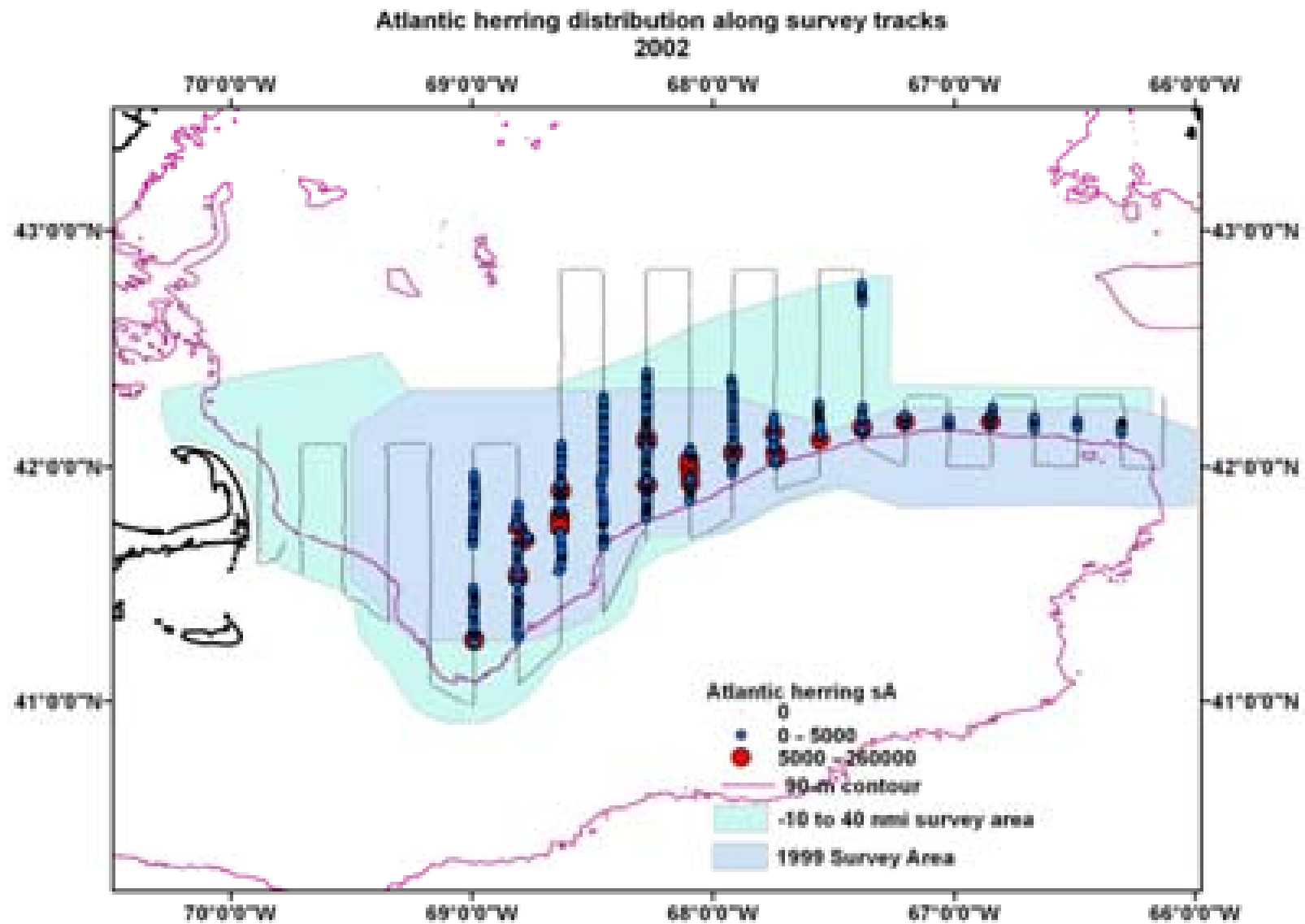
Issue 1: Goals and Objectives

- Many vessels currently have the ability to switch from fishing off-shore to inshore
- May increase fishing pressure on the inshore and noted previously
- “Protection to the offshore spawning component would come at the expense of putting more pressure on the inshore component of the stock complex.”
- Managers may wish to revisit the Goals and Objectives of an off-shore spawning area

Issue 2: Need Data

- Current inshore monitoring relies on the relationship between GSI (Gonadal Somatic Index) and visual staging to predict closures
- Because GB/NS fish grow at different rates: need to reconstruct for offshore
- Sub-areas likely (similar to inshore) but precise timing unknown: Generally NE to SW
- Fresh samples needed to determine relationship of GSI, default dates, and sub-areas
- Have not been collected due to timing with inshore spawning
- Need for a three year study to examine these issues

Acoustic Survey of Spawning on GB/NS



Issue 3: \$\$\$\$

- Need for at least two people part time in addition to current staff
- Requires precision scales and lab equipment: cannot accurately weight dockside
- Training to correctly ID Stages and extract gonads
- Sampler: supplies and access to VMS (plus industry relationship)
- Three year study and ~ \$40-\$50k per year
 - Training cost, analytical time, overhead: so probably a low estimate

Issue 3: \$\$\$\$

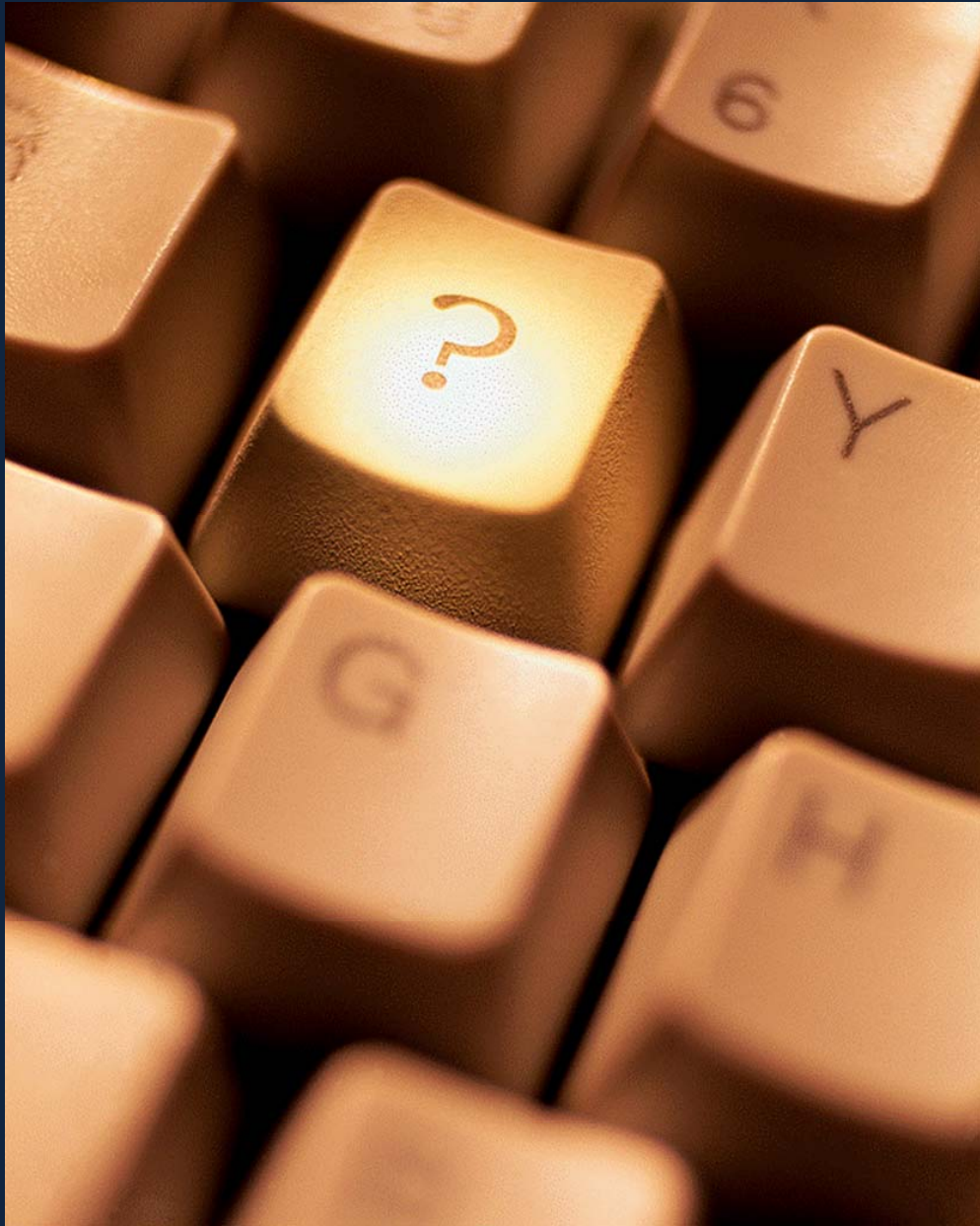
- Current funding by states, ACCSP, and IJ
- Loss of IJ funding and Atlantic Herring not being a high priority for ACCSP
- Some concerns about monitoring *current* spawning area management and funding viability
- Dedicated sources of money to fund the start-up as well as continual funding for monitoring
- Else...lack of samples will force closures on default dates
 - Also true for our current sampling

How complex can it be?

- This year, like last few years two bodies or groups of spawning fish in the MA/NH area
- Known that these fish are different; one group about a week or two behind
- Spawning samples showed 13% GSI from MA: 16% from ME: a week and a half apart.
- In consultation with MA DMF: took an average to determine dates
- Difference between these two groups averaged 5-7 nm.

Conclusions

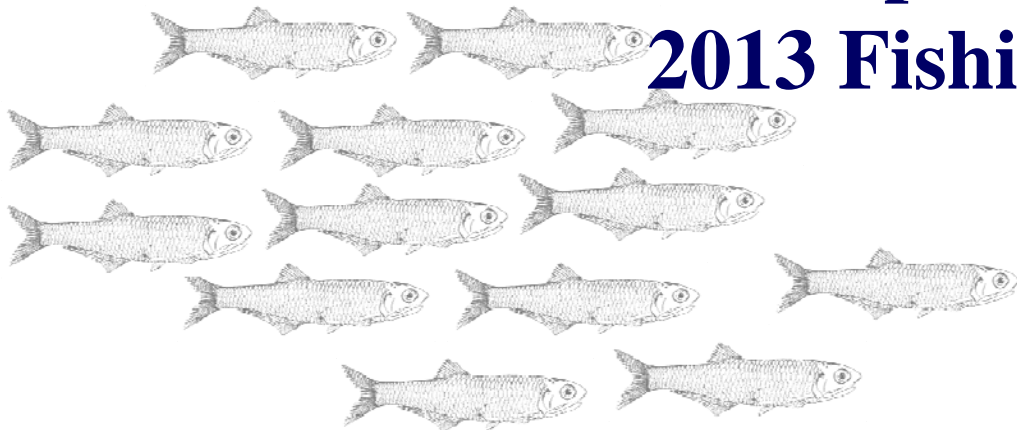
- Certainly doable
 - Provided adequate time, personnel, and money dedicated
- Managers will need to identify Goals and Objectives
- Understand that there are data collection needs
- Require spatial analysis to get a good picture
- Need to come up with dedicated funding short term, and long term.
- Will be sizeable add-on to current monitoring





*Working towards healthy, self-sustaining populations
for all Atlantic coast fish species or successful
restoration well in progress by 2015*

Addendum I Specifications for the 2013 Fishing Year





Addendum I

➤ Addendum I states the Board annually specify for Area 1A:

- Quota periods
- Whether to allow fishing before June 1
- Percent harvest that triggers a closure of the directed fishery (90 or 95%) in a quota period, and
- If quota can be rolled into remaining quota periods/seasons in Area 1A.





2012 Fishing Year

➤ Seasonal allocation for Area IA

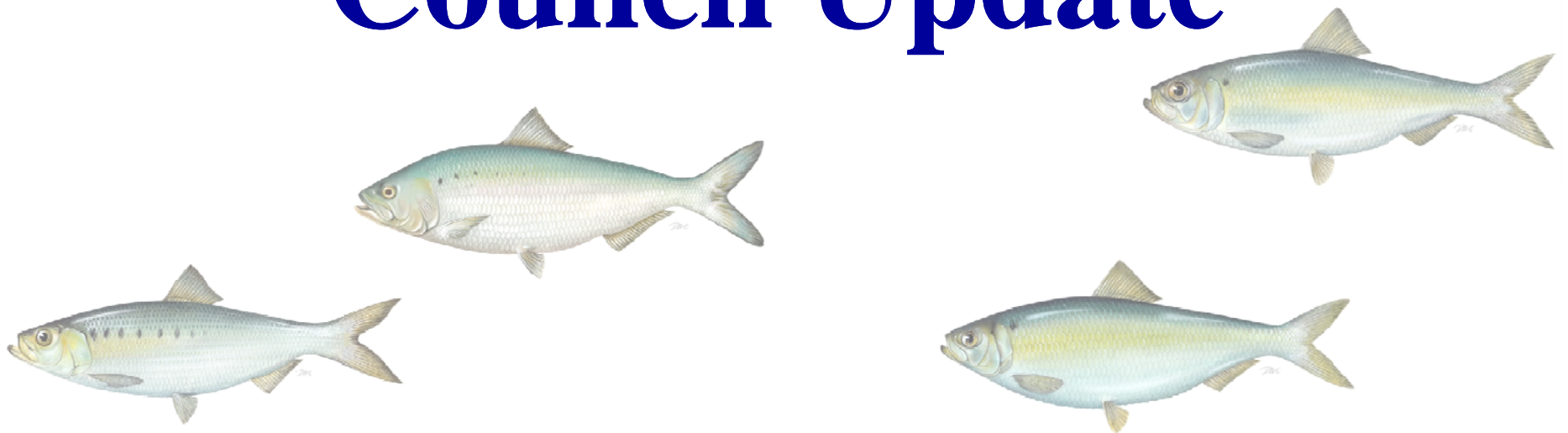
- Period I: 72.8% of the quota available from June 1– September 30
- Period II: 27.2% available from October 1 – December 31
- Close the fishery at 95% of the quota
- Allow rollover of unused quota from period I to II





Working towards healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by 2015

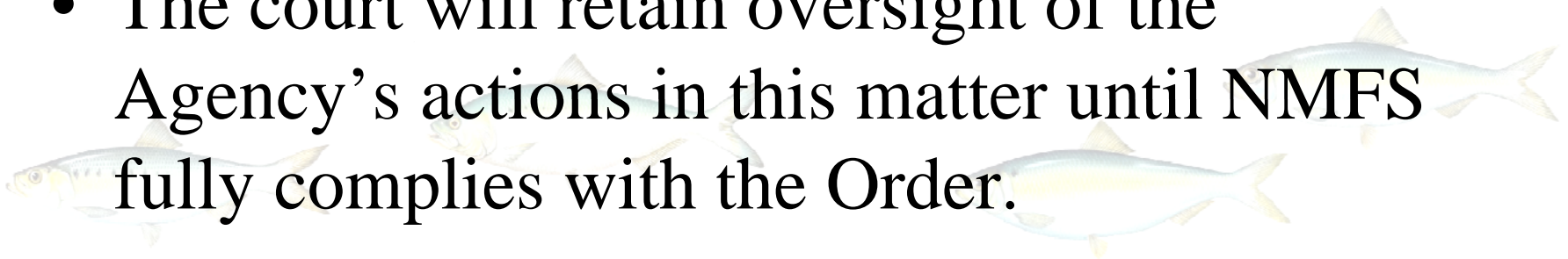
Council Update





Federal Court Ruling

- Lawsuit filed April 2011
 - Claim 1) defendants violated the MSA and APA by failing to include SRH as stock in the fishery and create catch limits for them 2) failed to set adequate ACL/AMs for Atl. Herring
- Ruling orders that Amendment 4 is vacated (null), effective one year from now
- The court will retain oversight of the Agency's actions in this matter until NMFS fully complies with the Order.





Federal Court Ruling

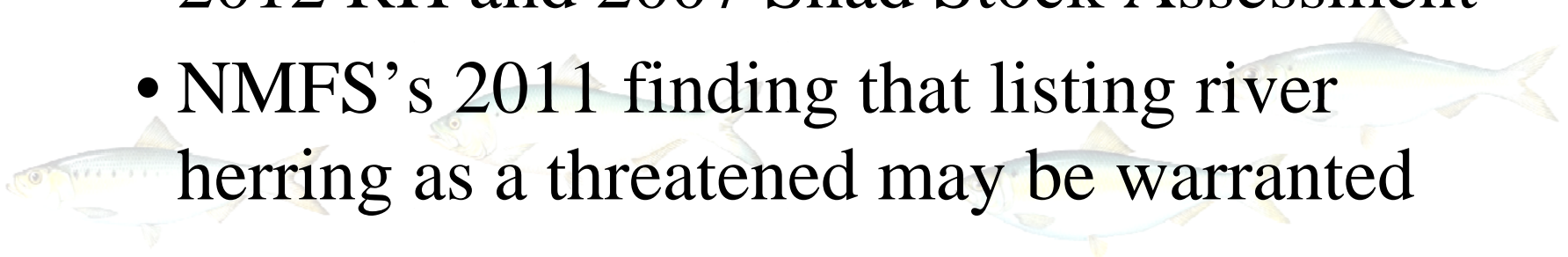
- Requires NMFS and NEFMC to review the most recent science and consider a full suite of protections for SRH
- Gives NMFS one year to take action to minimize the bycatch of SRH
- Orders NMFS to consider new approaches for setting the allowable catch for sea herring that accounts for its role as a forage species





Federal Court Ruling

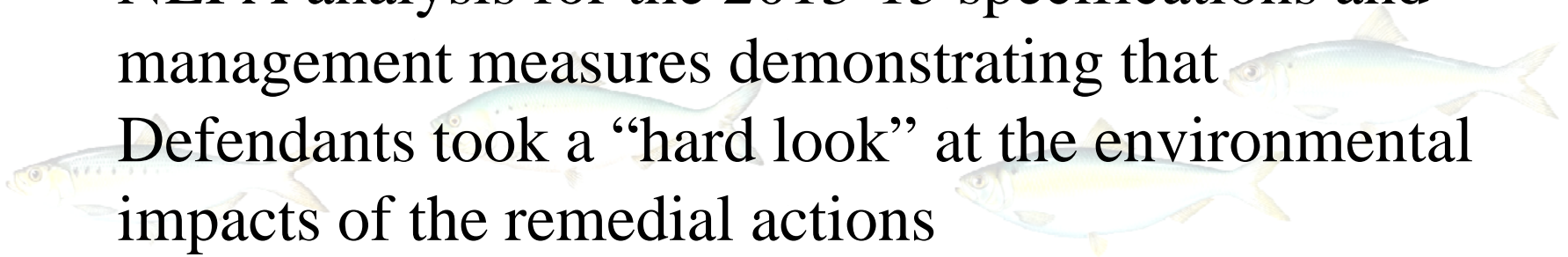
- One month:
 - NMFS will provide the court an explanation of whether Am4's definition of the fishery complies with the MSA
 - NMFS sent a letter to NEFMC recommending the Council consider SRH as a stock in the fishery, based upon:
 - 2012 RH and 2007 Shad Stock Assessment
 - NMFS's 2011 finding that listing river herring as a threatened may be warranted





Federal Court Ruling

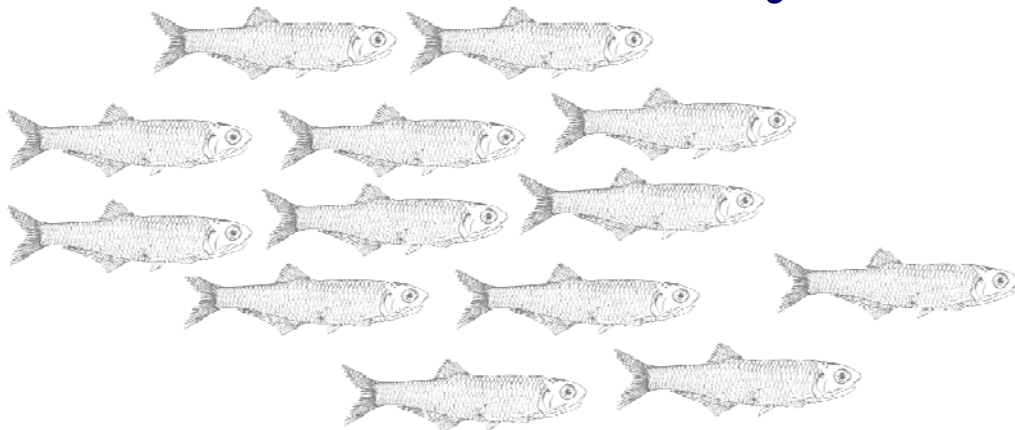
- Six Months:
 - NMFS shall file with the Court a status report describing the progress on the actions ordered
- One year:
 - NMFS will provide to the court an explanation of whether the Atlantic herring FMP minimizes bycatch to the extent practicable, including a completed NEPA analysis for the 2013-15 specifications and management measures demonstrating that Defendants took a “hard look” at the environmental impacts of the remedial actions





*Working towards healthy, self-sustaining populations
for all Atlantic coast fish species or successful
restoration well in progress by 2015*

Policy Board Tasking





Task

- ISFMP Policy Board directed the Atlantic Herring Board to discuss and report back to the Policy Board on ways to address:
 - (1) additional flexibility and
 - (2) delayed implementation in the Herring FMP





Delayed Implementation

- Concern for the Commissions ability to respond to states deviating from an FMP
 - Not sufficient options to address short term non-compliance and deviations that do not impact conservation

- Herring FMP: May Consider
 - Days Out Provisions
 - Area 1A Season Closures
 - Spawning Regulations





Flexibility

- Consider increased flexibility for Boards
 - Important for Boards managing fully rebuilt stocks
- Consider flexibility to allow for in-season adjustments
 - Consider transparency for public process

