

# Atlantic States Marine Fisheries Commission

## Atlantic Herring Section

February 4, 2014  
8:00 – 9:00 a.m.  
Alexandria, 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.

1. Welcome/Call to Order (*T. Stockwell*) 8:00 a.m.
2. Board Consent 8:00 a.m.
  - Approval of Agenda
  - Approval of Proceedings from August 2013
3. Public Comment 8:05 a.m.
4. Discuss and Consider Changes to Management Area 1A (*T. Stockwell*) **Action** 8:15 a.m.
  - Spawning areas efficacy
  - Gear type declarations
  - Fixed-gear quota
5. Set Area 1B Specifications for 2014 (*T. Stockwell*) **Final Action** 8:45 a.m.
6. Other Business/Adjourn 9:00 a.m.

The meeting will be held at the Crowne Plaza Hotel Old Town, 901 N. Fairfax Street, Alexandria, VA 22314 (888)233-9527

*Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015*

# MEETING OVERVIEW

## Atlantic Herring Section

February 4, 2014

8:00 – 9:00 a.m.

Alexandria, Virginia

Chair: Terry Stockwell (ME) <i>Assumed Chairmanship 10/13</i>	Technical Committee Chair: Renee Zobel	Law Enforcement Committee Michael Eastman
Vice Chair: Ritchie White (NH)	Advisory Panel Chair: Jeff Kaelin	Previous Board Meeting: October 28, 2013
Voting Members: ME, NH, MA, RI, CT, NY, NJ (7 votes)		

## 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 28, 2013

**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 Section 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 Section Chair may allow limited opportunity for comment. The Section Chair has the discretion to limit the number of speakers and/or the length of each comment.

<p><b>4. Discuss and Consider Changes to Management Area 1A (8:15 – 8:45 a.m.) Action</b></p> <p><b>Background</b> The Section may discuss and consider changes to Atlantic sea herring's Management Area 1A:</p> <ul style="list-style-type: none"> <li>• Spawning areas are required to close when a set amount of herring reach spawning conditions based on sampling of commercial catch (<b>Briefing CD:</b> Addendum V to Amendment 2 of the Atlantic Herring Interstate FMP). In 2013, the Eastern Maine area closed when no spawning herring were detected. The Section may consider an efficacy review of spawning areas.</li> <li>• Requiring vessel owners to declare in advance their intended fishing operations may help state fisheries managers determine the number of days out.</li> <li>• Industry expressed concerns that the rolling over of un-used fixed gear quota reduces fishing opportunity for sea herring when there is a demand for baitfish later in the year.</li> </ul> <p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>• Statement of the problem and considerations to address spawning area closure, gear type declaration, and fixed-gear quota (<i>T. Stockwell</i>).</li> </ul> <p><b>Board Action for Consideration</b></p> <ul style="list-style-type: none"> <li>• Consider initiating Draft Addendum VII to address Area 1A issues.</li> </ul>
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<p><b>4. Set Area 1B Specifications for 2014 (8:45 – 9:00 a.m.) Final Action</b></p> <p><b>Background</b></p> <ul style="list-style-type: none"> <li>• NMFS implemented a seasonal split for Area 1B's sub-quota for the 2014 fishing year.</li> </ul> <p><b>Presentation</b></p> <ul style="list-style-type: none"> <li>• Overview of 2014 Specifications and state landings (<i>M. Yuen</i>)</li> <li>• Report from the Advisory Panel (<i>J. Kaelin</i>)</li> </ul> <p><b>Board Action for Consideration</b></p> <ul style="list-style-type: none"> <li>• Set Area 1B Specifications for 2014.</li> </ul>
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## 5. Other Business/Adjourn

**DRAFT PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
ATLANTIC HERRING SECTION**

**The King & Prince Beach and Golf Resort  
St. Simons Island, Georgia  
October 28, 2013**

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

**TABLE OF CONTENTS**

Call to Order, Chairman Terry Stockwell..... 1  
Approval of Agenda..... 1  
Approval of Proceedings, August 2013 ..... 1  
Consider 2012 FMP Review and State Compliance..... 1  
Technical Committee Report ..... 3  
Update of NEFMC’s Amendment 5 and Framework Adjustment..... 7  
Election Of Vice-Chairman ..... 7  
Adjournment ..... 8

**INDEX OF MOTIONS**

1. **Motion to approve agenda** by Consent (Page 1).
2. **Motion to approve proceedings of August, 2013** by Consent (Page 1).
3. **Move to accept the 2012 FMP Review and approve the de minimis request from New York** (Page 3). Motion by Douglas Grout; second by James Gilmore. Motion carried (Page 3).
4. **Move to allocate the 2014 Area 1A TAC 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** (Page 3). Motion by Douglas Grout; second by Bill Adler. Motion carried (Page 3).
5. **Move that the Herring Section recommend to the Policy Board to send a letter to the New England Fishery Management Council requesting to have its Scientific and Statistical Committee/Plan Development Team work with the ASMFC Atlantic Herring Technical Committee as a priority issue to identify what is known about Georges Bank/Nantucket Shoals spawning and provide an offshore sampling protocol for the purposes of protecting spawning herring** (Page 5). Motion by David Pierce; second by David Borden. Motion carried (Page 7).
6. **Motion to adjourn** by Consent (Page 8).

## **ATTENDANCE**

### **Board Members**

Rep. Walter Kumiega, ME (LA)	Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)
Terry Stockwell, ME, proxy for P. Keliher (AA)	David Simpson, CT (AA)
Steve Train, ME (GA)	Lance Stewart, CT (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Rep. Craig Miner, CT (LA)
Doug Grout, NH (AA)	James Gilmore, NY (AA)
G. Ritchie White, NH (GA)	Pat Augustine, NY (GA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Sen. Phil Boyle, NY (LA)
David Pierce, MA, proxy for P. Diodati (AA)	Peter Himchak, NJ, proxy for D. Chanda (AA)
Bill Adler, MA (GA)	Tom Fote, NJ (GA)
Robert Ballou, RI (AA)	Adam Nowalsky, NJ, proxy for Asm. Albano (LA)

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

### **Ex-Officio Members**

Renee Zobel, Technical Committee Chair	Michael Eastman, Law Enforcement
Jeff Kaelin, Advisory Panel Chair	Representative

### **Staff**

Robert Beal	Kate Taylor
Toni Kerns	Melissa Yuen

### **Guests**

Sen. Ronnie Cromer, Leg. Appt., SC

The Atlantic Herring Section of the Atlantic States Marine Fisheries Commission convened in the Lanier Ballroom of The King and Prince Beach & Golf Resort, St. Simons Island, Georgia, October 28, 2013, and was called to order at 8:30 o'clock a.m. by Chairman Terry Stockwell.

### **CALL TO ORDER**

**CHAIRMAN TERRY STOCKWELL:** It seems a little bit inappropriate for someone from Maine to be welcoming us all to Georgia; but on behalf of the Herring Section, welcome. I'm Terry Stockwell, the now new chair of the Herring Section and calling the meeting to order.

### **APPROVAL OF AGENDA**

**CHAIRMAN STOCKWELL:** We need to approve the agenda.

I do want to note there was one item that did not make the final agenda. It is the approval of 2014 Area 1A TAC seasonal distribution. Without objection, I would like to make that Agenda Number 5 because it is an action item. Are there any other changes to the agenda? Seeing none; consider the agenda approved.

### **APPROVAL OF PROCEEDINGS**

If anybody has had a chance to read the proceedings, are there any comments or changes to the proceedings? Seeing none; I consider the proceedings approved. Are there any members of the audience who would like to comment on items that are not on the agenda? All right, Melissa, it looks you're up on Agenda Item 4, the 2012 FMP Review and State Compliance.

### **CONSIDER 2012 FMP REVIEW AND STATE COMPLIANCE**

**MR. MELISSA YUEN:** I will now go over the Atlantic Sea Herring FMP Review and State Compliance for the 2012 fishing year. First is the review of the stock status. Atlantic herring is currently managed as a single stock from Maine to New Jersey although there is evidence of two distinct spawning units.

The most recent stock assessment by NOAA Fisheries was completed in 2012, which included data up to 2011. The assessment update concluded that Atlantic herring is not overfished but is in fact rebuilt relative to the current target spawning stock biomass level of 157,000 metric tons. The spawning stock biomass in 2011 was estimated to 518,000 metric tons.

As you can see the spawning stock biomass trend has recovered since the crash in the late 1970's. The spike in recent years is due to a strong cohort in 2009. Atlantic herring is not experiencing overfishing. The fishing mortality rate in 2011 is 0.14, which is below the threshold of 0.27. Again, this was primarily due to the strong cohort in 2009.

The Atlantic herring is a commercial fishery. Less than 1 percent is taken by the recreational fishery. Over the time series from 1965 to 2012 annual landings by the United States Atlantic Herring Fleet increased an average of about 57,000 metric tons or 125.4 million pounds. In 2012 the landings totaled nearly 86,000 metric tons with the majority taken by trawls and purse seine gears.

This is how the 189 million pounds landed in 2012 broke down by state. Maine landed 67 percent with nearly 88,000 metric tons. Massachusetts landed 27 percent with 36,000 metric tons. Rhode Island came next with almost 5 percent; and the New Hampshire, New Jersey, New York and Connecticut each landed less than 1 percent of the coast-wide total.

Combined Maine and Massachusetts accounted for 94 percent of the commercial Atlantic herring landings. This is based on the state compliance reports. This is a list of the FMP documents. I didn't include all the specific addenda for Amendment 1; but for Amendment 2 we have Addendum I, Addendum II and Addendum V as of 2012.

The management measures required in this FMP are spawning area restrictions, prohibition of landings in a management area once the sub-quota has been reached, prohibition of landings

of herring to an internal waters processing operation. There are monitoring requirements. There is a weekly reporting of daily landings in order to manage the quota in a timely manner.

States have to provide an annual report on any mealing activity. Also, Area 1A has a seasonal splitting specification's process, triggers and spawning regulations. The plan review team found that all states have management programs consistent with the FMP. Requests for de minimis status; Amendment 1 provided the criteria for de minimis status.

A state must demonstrate that its most commercial landings are less than 1 percent of the coast-wide landings for the past two years. New York has requested de minimis status. The plan review team recommends to the board to grant de minimis status to New York based on their recent commercial landings, which meet the criteria. In 2011 they only caught 30,700 pounds; in 2012 it was 85,000 pounds. Since 1991 their landings have averaged 0.4 percent of the coast-wide landings. This concludes my presentation. Thank you, Mr. Chairman.

CHAIRMAN STOCKWELL: Are there any questions for Melissa? Dr. Pierce.

DR. DAVID PIERCE: Not so much a question, but I would like to add some information that is important. In light of the fact that Melissa did take the time to give some historical information on herring landings, what I'm about to say is relevant to discussions we will have in a little bit about spawning on Georges Bank/Nantucket Shoals.

You will see from the figure that she had put up on the screen showing spawning stock biomass over the years; back in the late 1970's and in the early 1980's spawning stock biomass was very, very low. At that time we have a New England Council plan that established some quotas for sea herring, very low quotas that essentially shut the U.S. fishery down at that time.

The high mortality previous to that was due to foreign fishing principally. The fleets were fishing off our coast, up and down our coast,

fishing on Georges Bank. Part of that effort, which was on Georges Bank, was on spawning concentrations of sea herring. The Northeast Fisheries Science Center scientists made it very clear at that time back in the 1970's/early '80's the reasons why the Georges Bank herring stock collapsed was fishing on spawning aggregations by the foreign fleets on Georges Bank.

So for many years we had a lack of fish on Georges Bank. Then I and others at the time witnessed the slow return of herring to Georges Bank, and that it was due to the fact there was successful herring spawning on nearby Nantucket Shoals and the consensus of the U.S. scientists was that that spawning on Nantucket Shoals seeded Georges Bank and as a consequence the bank came back.

So Nantucket Shoals spawning and Georges has been extremely – this is in certain areas and again it's relevant to our discussions later on about spawning on Georges Bank needed protection. And then final point I'll make, because Melissa put up the 2012 herring landings by state noting Maine and Massachusetts and Rhode Island principally and somewhat in New Hampshire and New Jersey – just for the record we do have a fixed-gear, purse seine gear only area that is in the Gulf of Maine.

That particular closure does dramatically impact the landings by midwater pair trawlers, with many of them being out of the Massachusetts port. If that closure was not in place; I suspect landings in Massachusetts would have gone up rather dramatically. I'm not saying the closure shouldn't be there – it is warranted – but that is the reason why and may be the principal reason why there is such a shift of landings to the state of Maine as opposed to the state of Massachusetts.

Of course, the state of Maine has a larger fleet, anyways, so that does contribute to the higher landings, but I wanted to highlight the fact that fixed gear, purse gear only area in place for much of the year in the inshore portion of the Gulf of Maine directs effort from Massachusetts



fishing in the Gulf of Maine to the Georges Bank area; so, just for the record.

CHAIRMAN STOCKWELL: Are there any other comments for the record? This is an action item so I'll be looking for a motion. Doug.

MR. DOUGLAS E. GROUT: **I move we approve the Herring FMP Review and approve New York's de minimis request.**

CHAIRMAN STOCKWELL: Seconded by Jim.

MR. GROUT: **I've been corrected that it should be we accept the FMP Review.**

CHAIRMAN STOCKWELL: Is there a need to caucus? Okay, I'll read the motion into the record, which is move to accept the 2012 FMP Review and approved the de minimis request from New York. Motion made by Mr. Grout and seconded by Mr. Gilmore. Is there any objection to this motion? **Seeing none, consider it approved.** The action item we have is the 2014 Area 1A TAC Seasonal Distribution. Doug, I believe you have a motion?

MR. GROUT: Yes, I have a motion, Mr. Chair. This is something that we do at the annual meeting every year to set up things for the 1A fishery. **I move to allocate the 2014 Area 1A TAC seasonally with 72.8 percent available for 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.**

CHAIRMAN STOCKWELL: Is your motion correct, Doug?

MR. GROUT: Correct.

CHAIRMAN STOCKWELL: Seconded by Bill Adler. Is there any section discussion on the motion on the board? Jeff, you would like to ask a question?

MR. JEFF KAELIN: Yes, I would. My question is the specifications allow for rolling over any unused quota in Year Three in this fishery, and my question as the chairman of the advisors is will there be any unused quota either from 1A or 3, which are now closed, upon review. When we have all the data; is there potential for some quota rollover in the future? Has anybody started to consider how we mechanically do that yet? Even if it's a few tons, I think we would like to see it moved over as an industry if possible.

MR. GROUT: I think that's in the Addendum VI provisions, and I believe it's any underages from this year will be rolled over into 2015.

MR. KAELIN: That's right, Mr. Grout. That's why I just wanted to make sure that we don't lose track of that provision. Thank you.

CHAIRMAN STOCKWELL: And, Section Members, remember that it takes a year for the accounting to go through, which is why there is a time delay. Are there any questions or comments to the motion on the board? Okay, I'm going to read the motion into the record:

Move to allocate the 2014 Area 1A TAC seasonally with 72.8 percent available for 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 made by Mr. Grout and seconded by Mr. Adler.

Is there a need to caucus? Are there any objections to the motion on the board? **Seeing none, this is a final action and consider it approved.** Melissa, we're up to Agenda Item 6, which is the technical committee report on the Georges Bank/Nantucket Shoals Spawning Study. That is Renee.

#### **TECHNICAL COMMITTEE REPORT**

MS. RENEE ZOBEL: We were asked by the section to come back with some more information on the Georges Bank/Nantucket Shoals Spawning Study and information around

the spawning in the area. As a little bit of background, February 2012 this was discussed by the section, the need for protection for Georges Bank/Nantucket Shoals area. They asked us to do a few things.

We produced a committee report and the second came back and requested an expansion of that report and highlighted a few issues in the technical committee report. We were looking for feedback on goals and objectives; that commented that there would be potential relocation of fishing effort inshore; and that we would like to take a three-year study of offshore spawning because we don't know much about the Georges Bank/Nantucket Shoals spawning stock.

We don't know much about those fish out there and their activities. We were in need of long-term funding; funds are obviously hard to come by. The section requested specific budget needs and alternative offshore sampling measures and management options for offshore spawning areas or potential management options.

As the technical committee, we had this discussion and produced our report and we've laid specific budget needs for what we would need in order to complete the study annually for Georges Bank/Nantucket Shoals. Alternative offshore sampling measures were not provided at this time.

The biologists who would be producing sampling measures indicated that they would need time to do that and time is money, so that funding was definitely something that would be needed. Without the three-year study, management options for offshore spawning areas we can't recommend at this time.

The next slide you'll see what was requested from the states of Maine and Massachusetts as far as what it would cost to fund these offshore sampling efforts. Being the representative from New Hampshire myself, our sampling is taken care by Maine and Massachusetts. We don't have the personnel or the lab in order to process samples; hence, we are at zero. We're rolled into the other two states. That gives a good

indication of what we would be looking for in each year for the study on Georges Bank/Nantucket Shoals.

The comments from the technical committee, what we are still looking for are clear goals and objectives for the offshore study. We read this the last time when Matt was here; but under Amendment 2 I believe one of the points is that we don't want to direct more fishing pressure inshore we feel that's the more vulnerable component of the Atlantic Herring Fishery.

If we have a closure in offshore waters, that potentially could redirect effort inshore, so we're looking for a little bit of clarity in goals and objectives from the section to consider when we were looking at these things. There is concern about using state resources for studying federal waters; using state monies for that.

It has been suggested that we use IJ funds for the spawning studies. Each of the states – that was taken away and then now we get it back – each of the states have ongoing sampling programs that are funded those monies, and there really aren't extra resources available unless those funding sources were increase. That concludes my presentation. Thank you.

MR. PATRICK AUGUSTINE: Mr. Chairman, let's cut right to the quick on this thing. Let's go to the last three line items and actually the last item, we talked about the Interjurisdictional Fishery Act funding. If there aren't funds available for that, then the question begs to be asked can the feds support this effort because it's an offshore issue. It impacts our states but it is offshore.

If we can get those two questions addressed; funding by the Interjurisdictional Fishery Act, if there is any; no; if there is some, then let's see what we can do. Second is to the feds; can the federal government come forward with anything; and if not, I would move that we table this until a later date, Mr. Chairman.

MR. WILLIAM A. ADLER: My question to the technical committee had to do with the memo. How important is this transporting fish offshore

for sampling? They were concerned about whether they could get the proper, I guess, identification. How serious is that particular part?

MS. ZOBEL: In response to that, in order to process the samples properly for the GSI and other stages, they have to be within 24 hours and they can't be frozen, so it is incredibly important.

MR. ADLER: In other words, 24 hours, is that possible; can they go out, get the samples, be back within 24 hours, non-frozen, in order to get an accurate scientific thing; is that doable?

MS. ZOBEL: That is part of what we would like to at was sampling protocols. There are some offshore boats here represented today. There are times when that would absolutely be possible, and then there are times when that would be very difficult, depending on when the boats are landing and when they're fishing.

DR. PIERCE: I appreciate the obstacles that the technical committee had to try to overcome. They are significant and you have identified them; additional funds needed for the states to do the work in the ports relative to sampling of spawning fish; so much of the work that is being done now in the Gulf of Maine. That's clearly a factor.

I think we're reached the point where it is necessary for the section to take a slightly different approach. In light of what the technical committee has told us, in light of the fact that we have this need for a three-year study – that's too long. Three years is too long as far as I'm concerned. I think we know enough about herring spawning on Georges Bank for us to move forward but not by ourselves.

I think we really do need to have more investment by the New England Fishery Management Council. It might be an investment that is fairly easy to get since the chairman of the New England Council is sitting before us, Terry Stockwell. I think it's necessary for us to now enlist some more people, some more

resources to assist us with this very important endeavor.

I indicated before in my earlier comments that Georges Bank can collapse. Yes, it was due to the heavy fishing by the foreign fleets, and the fishing by our domestic fleets is nowhere near what it was during the times when the fleets were on our shores; but still spawning aggregations do exist. Many of the locations of those aggregations are known.

I think it's necessary for us to get some more firepower enlisted; so I would make a motion, Mr. Chairman – and I have given it to staff – because I don't want this issue to die. I don't want this to be put on back burner and then left there until the stove goes cold. This is an important issue and it is an issue that is very relevant to federal activities and to New England Council management of sea herring, offshore specifically.

**I would move that the New England Fishery Management Council be requested to have its Scientific and Statistical Committee/Plan Development Team work with the ASMFC Atlantic Herring Technical Committee to identify what is known about Georges Bank/Nantucket Shoals spawning and provide an offshore sampling protocol for the purposes of protecting spawning herring.**

CHAIRMAN STOCKWELL: Motion made by Dr. Pierce and seconded by David Borden. Is there discussion? Ritchie.

MR. G. RITCHIE WHITE: Mr. Chairman, I certainly support the motion. In looking at recent history, a number of years we were not harvesting our quota in Area 3 and now we are. I think that this adds additional importance historically to what Dave has brought up, and it's something we have to be careful of. I think this is the logical next step.

CHAIRMAN STOCKWELL: A question for you, Dave; seeing as we're coming up on setting council priorities; are you suggesting that the council prioritize this. If so, you may want to modify your verbiage.

DR. PIERCE: I am suggesting that it be a priority sea herring issue for the council.

CHAIRMAN STOCKWELL: The way I read the motion, it could sit in a hole for a long time.

DR. PIERCE: Okay, move that the – okay, someone is inserting some language; let's see if it works. Yes, that is a good insert. Whoever did that; thank you.

MR. KAELIN: As the AP Chair, I just want to point out that the advisory panel hasn't been asked to consider this issue yet. As a member of the Herring Committee now that I'm a Mid-Atlantic Council Member, I wonder if it is premature to identify this as a priority before you have the technical review.

I think we're already at twice the spawning stock biomass on the resource right now. I think SSB considers the state of spawning activity in these areas. That's just a question mark. I think there are other things that we might be able to do with scarce resources at the council. I appreciate the opportunity to say that. Thank you.

DR. PIERCE: Well, Jeff raises a good point regarding the status of the resource and indeed the resource is in good shape. However, I'm always influenced by the fact that there still is this question of the impact of concentrated fishing on spawning aggregations and also the impact of focused fishing on the availability causing local depletion.

Even though the resource is in good shape – and I'm not sure it's in as good a shape as what the assessment indicates, but we have it and we use it. I think there is enough reason for us to be concerned about what could happen to this resource with focused fishing on spawning fish. With the importance of Georges Bank to the offshore fleet, that in the best interest of the resource and in the future of the offshore fishing fleet that is dependent upon that herring, we need to be as aggressive as we can possibly be to protect those fish.

This would at least be a step in the right direction and working with the council that has

the authority. And, of course, the council advisors, ASMFC advisors would be involved in those discussions to help us move it forward in a priority way that would be sensitive to what the industry knows; not just what we know through scientific research but what the industry knows.

MR. KAELIN: Dr. Pierce, I'm not arguing against the motion. In fact, when I spoke to Terry earlier this morning, this is exactly what I suggested that the section consider doing. Thank you for your response.

CHAIRMAN STOCKWELL: Is there further discussion to the motion on the board? I'll read it in the record: move that the New England Fishery Management Council be requested to have its Scientific and Statistical Committee/Plan Development Team work with the ASMFC Atlantic Herring Technical Committee as a priority issue to identify what is known about Georges Bank/Nantucket Shoals spawning and provide an offshore sampling protocol for the purposes of protecting spawning herring. Motion made by Dr. Pierce and seconded by Mr. Borden.

My sense, should this motion pass, is that Bob will be writing a letter to the New England Council. The executive committee meets a week from Wednesday. The council meets the last week of the month.

EXECUTIVE DIRECTOR ROBERT BEAL: Just real quick, Terry, this is a recommendation to the Policy Board to approve a letter going out to the council. It's a technicality but just to keep the process whole we probably should change the wording to reflect that.

CHAIRMAN STOCKWELL: Move that the Herring Section recommend to the Policy Board to send a letter to the New England Fishery Management Council requesting to have its Scientific and Statistical Committee/Plan Development Team work with the ASMFC Atlantic Herring Technical Committee as a priority issue to identify what is known about Georges Bank/Nantucket Shoals spawning and provide an offshore sampling protocol for the purposes of protecting spawning herring.

Motion made by Dr. Pierce and seconded by Mr. Borden.

Is there an objection to the motion on the board? **Seeing none, this motion will be forwarded to the Policy Board.** Melissa, the update on the New England Fishery Management Council Amendment 5 and Framework 3.

**UPDATE OF NEW ENGLAND FISHERY MANAGEMENT COUNCIL AMENDMENT 5 AND FRAMEWORK ADJUSTMENT**

MS. YUEN: This is just a brief update on the New England Fishery Management Council's Atlantic Herring FMP. Their actions are paralleling ours. First, Framework 3, this is for the river herring and shad catch caps in the Atlantic Herring Fishery. In September the council selected its final measures for the 2014 and 2015 catch caps.

The final submission of the framework document, after the preliminary NMFS review, will be forwarded towards the end of this year and implementation about halfway through 2014. This is relevant to Amendment 5, which is still waiting final rule and implementation. The council would decide priorities by 2014 at the end of this year. In the meantime the council will be considering a request for emergency action to address the haddock bycatch concerns at its next meeting. That is just a very brief run-through of the council update.

MR. ADLER: Mr. Chairman, I think it's at this point. I had a question when I learned that it had been agreed or had been approved to not open 1B until May. In the past 1B I believe always opened January 1 just like 2 and 3. The section never discussed this to my knowledge. I don't know how come they jumped and decided that they're going to keep 1B closed until May. I don't know why and I don't know where that came from.

CHAIRMAN STOCKWELL: I think Jeff has an answer.

MR. KAELIN: It came from the recommendations of the Herring Committee and

with the support of Herring AP in New England to delay opening of Area 1B. Since that time there have been some industry people that have asked how come we're doing that? One implication is if there is mackerel up there in the wintertime and you can only have 2,000 pounds of herring, that's a problem.

You can't go fishing for mackerel because of the amount of herring we normally catch in the mackerel fishery. It was vetted here. It was discussed as one of the things that the New England Council did; but I think there are some people who are questioning that now, Mr. Adler, but it was reviewed. It was a recommendation from both the Herring Committee and the APs, both there and here, and the section when the specifications were approved.

CHAIRMAN STOCKWELL: Are there any additional questions for Melissa? Okay, the next agenda item is election of a vice-chair. Dave.

**ELECTION OF VICE-CHAIRMAN**

MR. DAVID SIMPSON: Move to nominate Ritchie White for vice-chair.

CHAIRMAN STOCKWELL: Seconded by Pat Augustine. Pat.

MR. AUGUSTINE: And a motion to close nominations and cast one vote for our new vice-chairman.

CHAIRMAN STOCKWELL: Congratulations, Ritchie. (Applause) Doug.

MR. GROUT: Before we adjourn, I have to apologize. I did a poor job of proofreading the original motion that I made concerning the 1A specifications. There is one word that needs to be changed; and if you start with 72 percent available, it says "through June". It should be "from June". I'm sorry I didn't catch that before. I was trying to edit on the fly and I missed that one word. I don't know how you want to handle it.

CHAIRMAN STOCKWELL: Is there an objection to the perfection? Consider it perfected.

**ADJOURNMENT**

Is there any other business to come before the Herring Section? Seeing none; the Section is adjourned.

(Whereupon, the meeting was adjourned at 9:05 o'clock a.m., October 28, 2013.)

*Atlantic States Marine Fisheries Commission*

**ADDENDUM V  
TO THE INTERSTATE FISHERY MANAGEMENT PLAN  
FOR ATLANTIC HERRING**

*Spawning Sampling Provisions, including Comprehensive Spawning Requirements*



*ASMFC Vision Statement:*

*Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015.*

**Approved October 2012**

## **1.0 Introduction**

In February 2012, the Atlantic Herring Section (Section) initiated an addendum to implement the Technical Committee's (TC) recommendations regarding spawning regulations. These recommendations include 1) refining the sampling protocol; 2) investigating shifting the boundary between the Western Maine and Massachusetts/New Hampshire (MA/NH) spawning areas south and 3) incorporating all spawning regulations in one document for clarity. The Board approved changes to the sampling protocol but did not include changes to the Western Maine and Massachusetts/New Hampshire (MA/NH) spawning areas south. The comprehensive spawning requirements for the FMP can be found in Appendix A.

## **2.0 Management Program Background**

### ***2.1 Statement of the Problem***

ASMFC spawning regulations did not provide sufficient guidance for standardized regulations between states because they were contained in five different ASMFC management documents. As a result, slight inconsistencies exist between state and the ASMFC spawning regulations, and between the states. Cooperation and open communication between state fisheries agencies staff has resulted in consistent application of sampling protocol and open/close dates for shared spawning areas—but this consistency is not guaranteed in the future.

This addendum seeks to clarify the spawning regulations to achieve consistency in their application as well as eliminate any inconsistencies between various ASMFC documents. Addendum V will replace all spawning regulations in previous management documents to provide a single, clear document for states to use when complying with ASMFC spawning regulations.

Additionally, parts of the required sampling process (size bins, number of fish per sample, and MA/NH boundary) could be improved to better reflect spawning stages and behavior of current herring stocks.

### **2.2 Background of Current Spawning Requirements**

ASMFC spawning regulations are found in sections from Addendum I to Amendment 1, Amendment 2, and Technical Addendum I to Amendment 2 as follows. Each requirement is described in Section 2.2.1.1 – 2.2.1.6 of this addendum. Full text of the spawning regulations can be found in Appendix A.



**2.2.1 Spawning Area Delineation (4.2.1.1 of Amendment 2):**

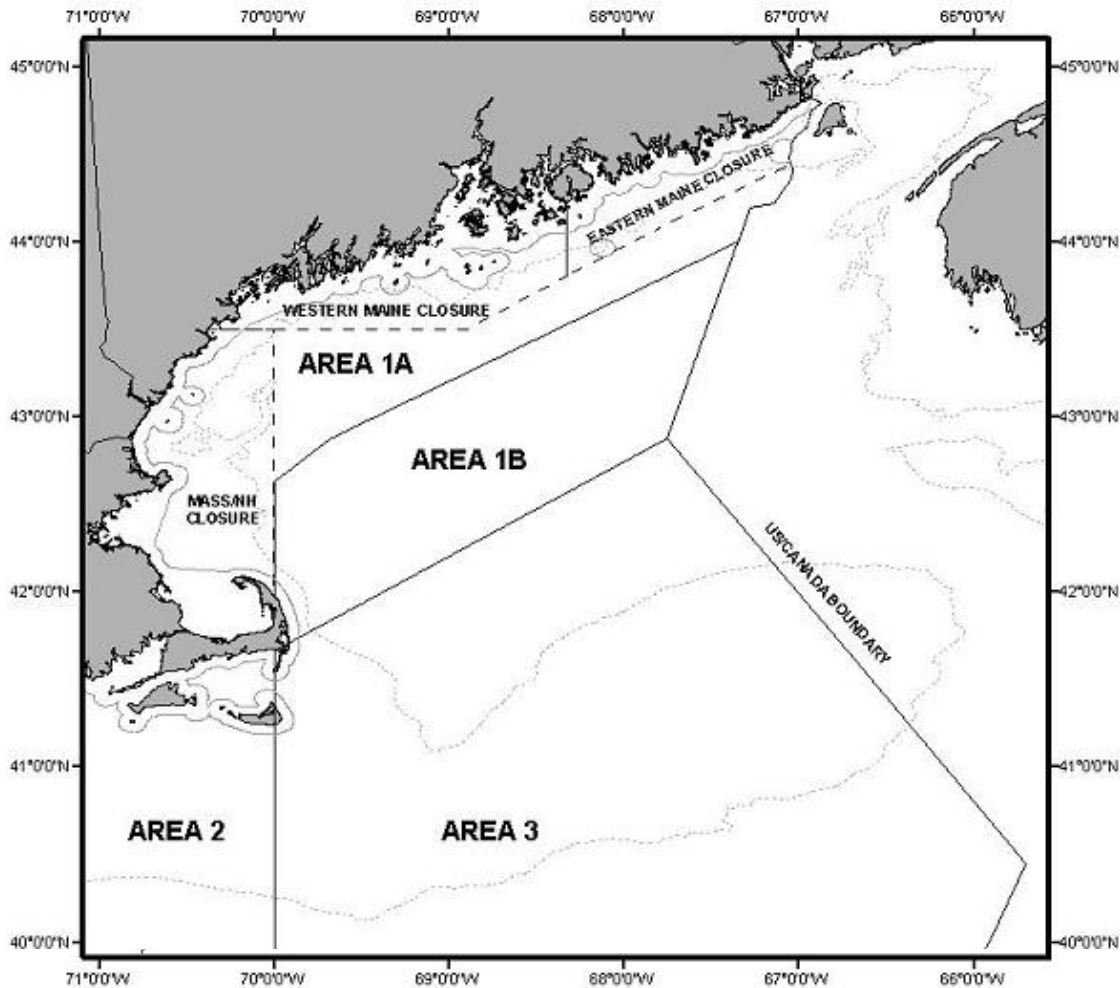
The spawning area boundaries are (Figure 1):

*Eastern Maine Spawning Area:* All waters bounded by the following coordinates:  
Maine coast 68° 20' W  
43° 48' N 68° 20' W  
44° 25' N 67° 03' W  
North along US/Canada border

*Western Maine Spawning Area:* All waters bounded by the following coordinates:  
43° 30' N Maine coast  
43° 30' N 68° 54.5' W  
43° 48' N 68° 20' W  
North to Maine coast at 68° 20' W

*Massachusetts/New Hampshire Spawning Area:* All waters bounded by the Massachusetts, New Hampshire and Maine coasts, and 43° 30' N and 70° 00' W

Figure 1. ASMFC Atlantic Herring Spawning Areas.



**2.2.2 Default Start Date (4.3.2.2 Spawning Closures & Default Dates of Amendment 2):**  
If sufficient samples are not available, closures will begin on the following dates.

Eastern Maine: August 15  
Western Maine: September 1  
Massachusetts/New Hampshire: September 21

**2.2.3 Sampling Protocol (4.2.1.2 Determination of Starting Date for Spawning Closures of Addendum I to Amendment 1):**

Closures in a given area will begin based on the spawning condition of Atlantic herring as determined from commercial catch samples. Commercial catch sampling shall begin by at least August 1 for the Eastern and Western Maine areas, and by at least September 1 for the Massachusetts/New Hampshire area. If sufficient samples are not available, closures will begin on the default dates.

Closures in a given area will begin seven days after the determination that female herring in ICNAF gonadal stages III - V from that specific area have reached the following spawning conditions: female herring greater than 28 cm in length have reached a mean gonadosomatic index (GSI) of 20% or female herring greater than 24 cm and less than 28 cm in length have reached a mean GSI of 15%. Length refers to the mean natural total length, measured from the tip of the snout to the end of the caudal fin in normal position. "GSI" shall mean gonadosomatic index calculated by the following formula. Length refers to the mean natural total length, measured from the tip of the snout to the end of the caudal fin in normal position. "GSI" shall mean gonadosomatic index calculated by the following formula:

$$[\text{Gonad Weight} / (\text{Total Body Weight} - \text{Gonad Weight})] \times 100 \text{ percent}$$

**2.2.4 Sufficient Sample Information (4.2.1.2 Determination of Starting Date for Spawning Closures of Addendum I to Amendment 1):**

"Sufficient sample information" shall mean at least two (2) samples of 50 fish or more, in either length category, taken from commercial catches during a period not to exceed seven days apart.

**2.2.5 Spawning Closure Length (4.3.2.2 Spawning Closures & Default Dates of Amendment 2):**

By default, closures will last four (4) weeks. Catch sampling of the fishery will resume at the end of the initial four-week closure period. If catch sampling indicates significant numbers of spawn herring are still being harvested, closures will resume for an additional two weeks. Significant numbers of spawn herring is defined as 25% or more mature herring, by number in a catch sample, have yet to spawn. Mature or "spawn" herring are defined as Atlantic herring in ICNAF gonadal stages V and VI.

**2.2.6 Tolerance (4.3.2.3 Tolerance Provision—Zero Tolerance of Amendment 2, clarified in Technical Addendum I to Amendment 2):**

Any vessel is prohibited to fish for, take, land, or possess herring from or within a restricted spawning area. Any herring vessel having spawn herring onboard, which were caught outside of a management area that is under a herring spawning closure, may transit the closed area only if all of its fishing gear has been stowed. An incidental bycatch allowance of up to 2,000 pounds of herring per trip for non-directed fisheries shall be in place during the spawning closures.

**3.0 Management Program**

This addendum replaces all spawning regulations in previous management documents to provide a single, clear document for states to use when complying with ASMFC spawning regulations. Appendix 1 contains the comprehensive spawning regulations for the FMP.

**3.1 Size Bins that Trigger a Spawning Closure Start**

**3.1.1 Background**

The spawning regulations in Addendum I to Amendment I specify that closures begin based on the % of stage III – V spawn herring that are greater than 24 cm. The TC reviewed this language and commented that the wording “greater than 24 cm” was a typographical error and should have included “or equal to.” A review of state spawning regulations revealed that some states have interpreted the requirement as “greater than *or equal to* 24 cm” (full text of state regulations is included as Appendix B).

Additionally, commercial biological sampling has found that in recent years, sampled fish are maturing at a smaller size but at the same age. As outlined in the most recent 2009 TRAC assessment, both length and weight at age has been steadily declining since the 1980s (Figure 2). As a result, mean fish length of age 3s (typically first time spawners) is now below 24 cm total length during the fall spawning period. As can be seen in Figure 3 and Table 1, an increasing number of fish in the 23-24 length bin are mature.

Figure 2. Mean total length (in mm) of age three females caught in area 1A during the spawning season (Aug –Oct).

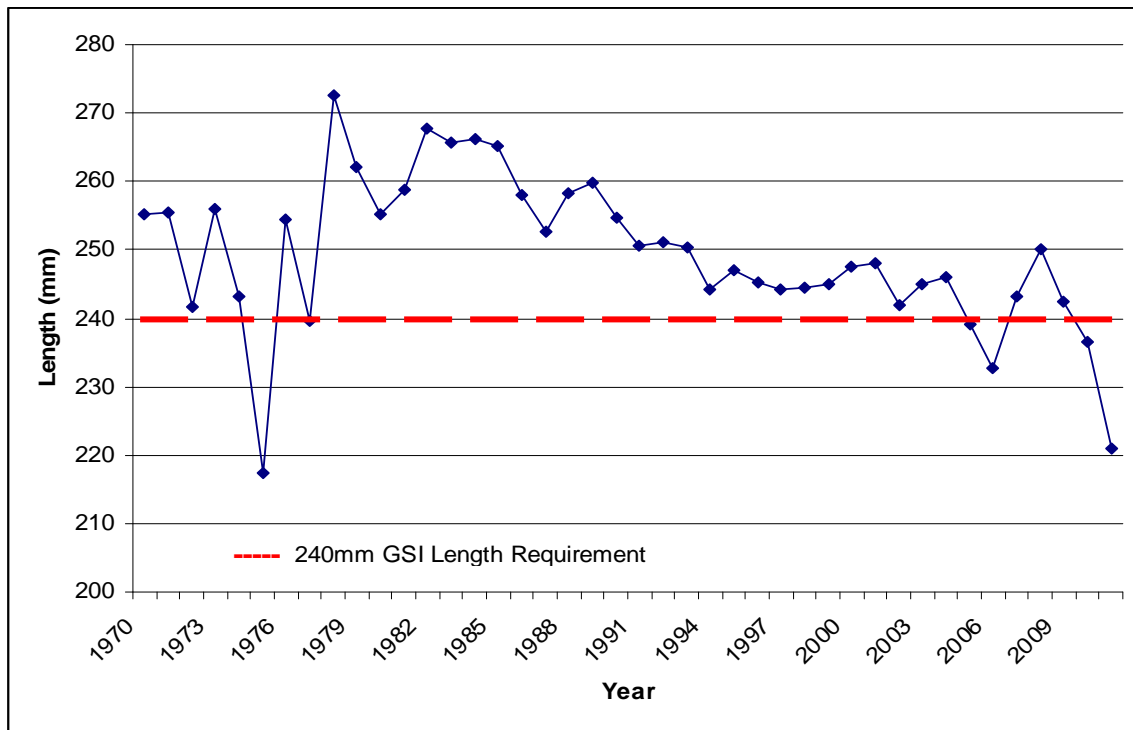
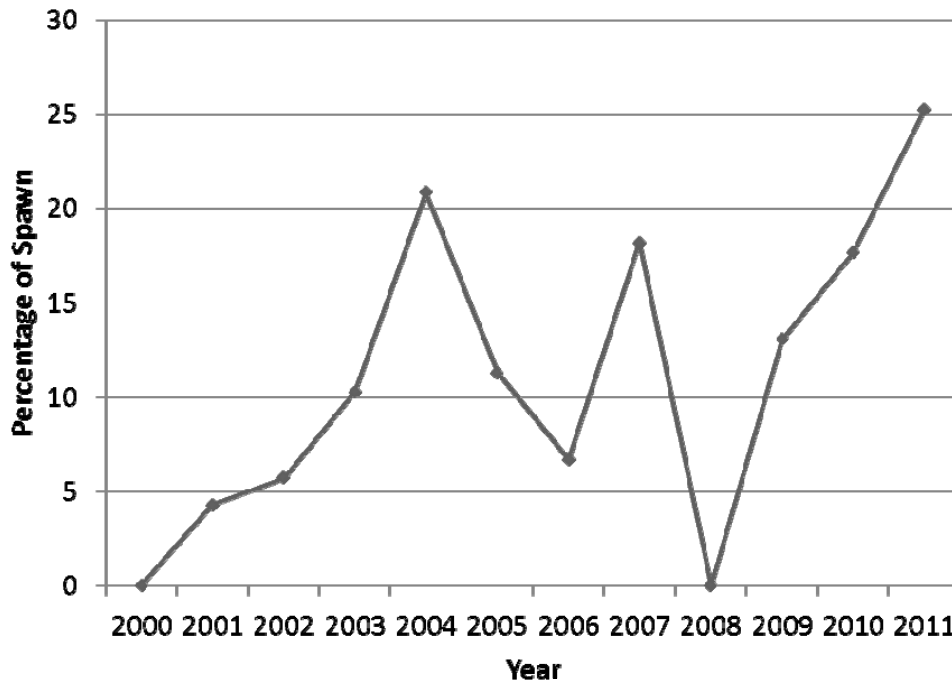


Table 1. Percentage of spawning or developing females (> 10% GSI or > ICNAF stage III) Aug – Oct. by year and length bin from commercial samples. Note: blank cells indicate “no data” while zeros are calculated.

Total Length (cm)	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	average 2000-2011
21-22										0		20	10
22-23			5	0		0	0	0		0	0	23	4
23-24	0	4	6	10	21	11	7	18	0	13	18	25	11
24-25	31	16	38	13	27	23	9	19	0	19	12	30	20
25-26	39	28	49	30	38	42	15	20	11	18	30	40	30
26-27	70	36	65	42	59	57	29	26	24	7	27	55	41
27-28	87	76	85	66	67	72	41	35	47	29	37	80	60
28-29	94	84	90	77	74	74	62	50	51	46	44	69	68
29-30	96	96	96	89	84	81	71	68	59	64	64	68	78
30-31	98	100	100	92	86	94	72	84	73	83	69	100	88
31-32	100	100	100	100	100	95	73	90	85	100	100	100	95
32-33	100	100	100				83	100	50	0	67		55
33-34							100	100	100				

Figure 2. Percentage of spawning or developing females (> 10% GSI or > ICNAF stage III) Aug – Oct. by year in Area 1A, for fish 24-25 cm total length from commercial samples.



**3.1.2 Management Program: Provisions revised under this Addendum**

This language replaces part of the language in section 4.2.1.2 of Addendum I to Amendment 1 *Closures in a given area will begin seven days after the determination that female herring in ICNAF gonadal stages III - V from that specific area have reached the following spawning conditions: female herring greater than 28 cm in length have reached a mean gonadosomatic index (GSI) of 20%; or female herring greater than or equal to 23 cm and less than 28 cm in length have reached a mean GSI of 15%.*

**3.2 Number of Fish Per Sample**

**3.2.1 Background**

Regulation in Addendum I to Amendment I required “at least two samples of 50 fish or more, in either length category, taken from commercial catches during a period not to exceed seven days apart”. The TC recommended that the number of fish per sample be increased to 100. They agreed that interpreting the samples is often a qualitative science and 100 fish per sample should suffice to determine if a closure should be extended.

**3.2.2 Management Program: Provisions revised under this Addendum**

*This section replaces part of the language in section 4.2.1.2 of Addendum 1 to Amendment 1. Sufficient sample information shall mean at least two (2) samples of 100 fish or more, in either length category, taken from commercial catches during a period not to exceed seven days apart.*

#### **4.0 Compliance Schedule**

States must implement Addendum V according to the following schedule to be in compliance with the Atlantic Herring FMP:

November 1, 2012: States implement regulations.

# APPENDIX A. ASMFC COMPREHENSIVE SPAWNING REQUIREMENTS

## 4.3.2 Spawning Restrictions

Landing restrictions on spawn herring are designed to conserve the stock by ensuring recruitment to the stock. Much of the management program is designed to move effort into the offshore areas where the TAC has not been fully harvested and the spawning component is thought to be strong. The inshore component is the most vulnerable component of the stock complex; therefore, management measures are focused on providing the greatest protection to the component that is thought to be most susceptible to overfishing. Protection to the offshore spawning component would come at the expense of putting more pressure on the inshore component of the stock complex.

Atlantic herring schools are especially susceptible to fishing when they aggregate for spawning. While vulnerable, they are also most valuable during spawning because their fat content is at its peak. The economic incentives to harvest spawn herring are countered by conservation concerns for the status of the stock. Fishing on spawning herring not only results in high catch rates, but may also interfere with the spawning behavior of uncaught herring. There is a peak point at which spawn herring is acceptable to the market; spawn herring in the latter stages may not be fit for some markets. Therefore, the amendment defines specific measures designed to reduce the exploitation and disruption of spawning aggregations, while providing a limited opportunity to harvest herring during that time of the year.

### 4.3.2.1 Inshore Gulf of Maine Spawning Areas (Area 1A)

Figure 1 displays the areas defined in this measure.

#### Eastern Maine Spawning Area

All waters bounded by the following coordinates:

Maine coast 68° 20' W  
43° 48' N 68° 20' W  
44° 25' N 67° 03' W  
North along US/Canada border

#### Western Maine Spawning Area

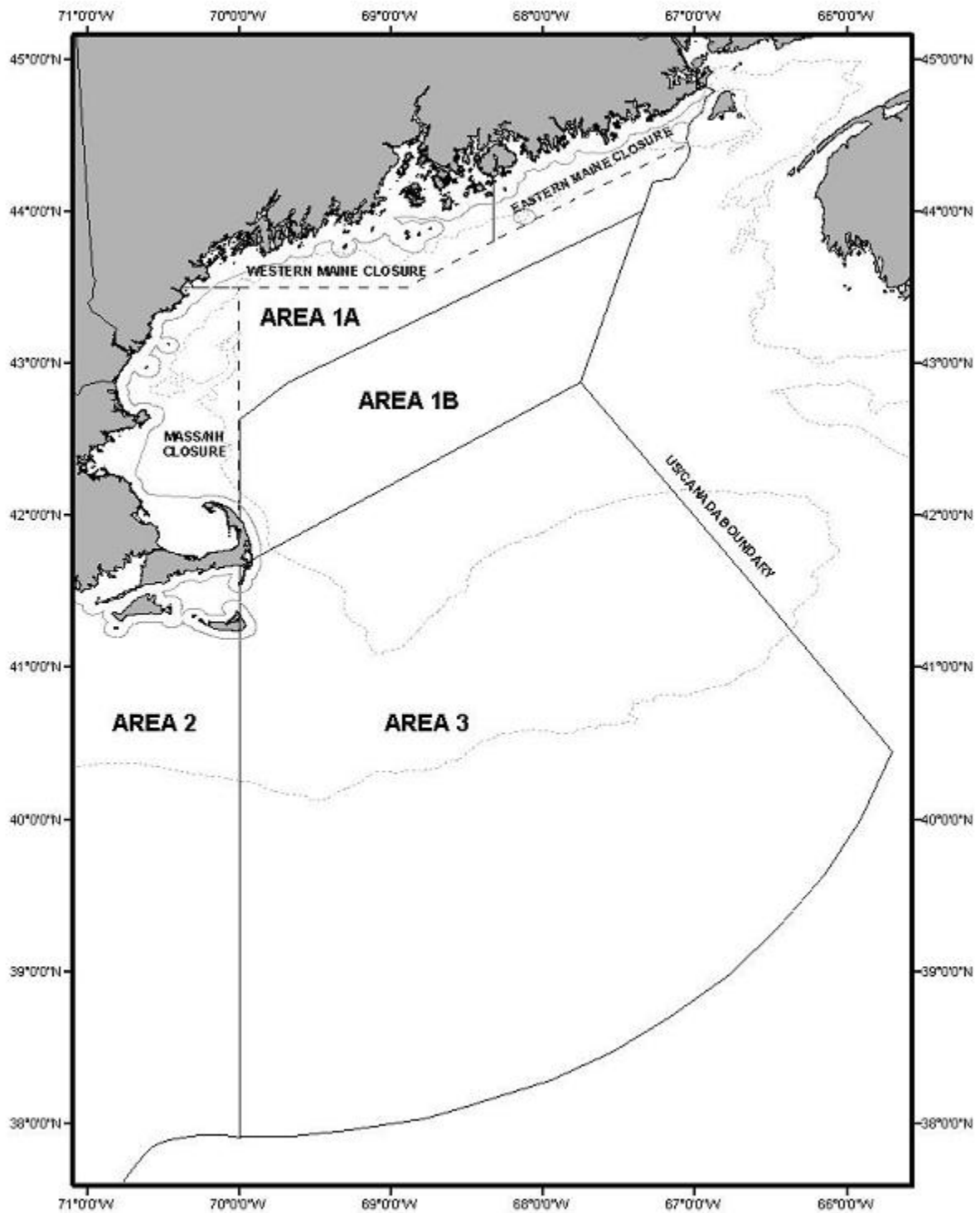
All waters bounded by the following coordinates:

43° 30' N Maine coast  
43° 30' N 68° 54.5' W  
43° 48' N 68° 20' W  
North to Maine coast at 68° 20' W

#### Massachusetts/New Hampshire Spawning Area

All waters bounded by the Massachusetts, New Hampshire and Maine coasts, and 43° 30' N and 70° 00' W

Figure 1. Spawning Areas for Atlantic Herring in State Waters





#### **4.3.2.2 Spawning Closures & Default Dates**

Spawning closures are based on commercial catch samples that are collected by at least August 1 for the Eastern and Western Maine areas, and by at least September 1 for the Massachusetts/New Hampshire area. If sufficient samples are not available, closures will begin on the default dates listed below and extend for at least four (4) weeks. Area 1A inshore spawning area closures will begin on the following dates, unless commercial catch samples show earlier spawning than the default date or continuing two weeks after the four-week closure.

Eastern Maine:	August 15
Western Maine:	September 1
Massachusetts/New Hampshire:	September 21

Closures in a given area will begin seven days after the determination that female herring in ICNAF gonadal stages III - V from that specific area have reached the following spawning conditions: female herring greater than 28 cm in length have reached a mean gonadosomatic index (GSI) of 20%; or female herring greater than or equal to 23 cm and less than 28 cm in length have reached a mean GSI of 15%. Length refers to the mean natural total length, measured from the tip of the snout to the end of the caudal fin in normal position. "GSI" shall mean gonadosomatic index calculated by the following formula:

$$[\text{Gonad Weight} / (\text{Total Body Weight} - \text{Gonad Weight})] \times 100 \text{ percent}$$

If sufficient sample information is not available for reliably estimating mean GSI in either of the size categories, the restrictions will go into effect automatically on the default closure dates (see 4.2.1.3). "Sufficient sample information" shall mean at least two (2) samples of 100 fish or more, in either length category, taken from commercial catches during a period not to exceed seven days apart.

By default, closures will last four (4) weeks. Catch sampling of the fishery will resume at the end of the initial four-week closure period. If catch sampling indicates significant numbers of spawn herring still are being harvested, closures will resume for an additional two weeks. Significant numbers of spawn herring is defined as 25% or more mature herring, by number in a catch sample, have yet to spawn. Mature or "spawn" herring shall be identified as Atlantic herring in ICNAF gonadal stages V and VI.

#### **4.3.2.3 Tolerance Provision – Zero Tolerance**

Any vessel is prohibited to fish for, take, land, or possess herring from or within a restricted spawning area. Vessels are permitted to transit the restricted spawning areas with herring on board provided they comply with the provisions listed in the following two paragraphs.

Any vessel may fish for, take, land, or possess "spawn" herring from a management area outside of those identified in the Delineation of Spawning Areas. Any herring vessel having onboard spawn herring, which were caught outside of a management area that is under a herring

spawning closure, may transit the closed area only if all of its fishing gear has been stowed. “Spawn” herring shall be identified as Atlantic herring in ICNAF gonadal stages V and VI.

An incidental bycatch allowance of up to 2,000 pounds of herring per trip for non-directed fisheries shall be in place during the spawning closures. This bycatch allowance will not be subject to the tolerance provision, i.e. vessels may land “spawn” herring as long as said vessel lands no more than 2,000 pounds. The amount of herring landed by one vessel in a day, as a bycatch allowance, shall not exceed 2,000 pounds (this prohibits a vessel from making multiple trips in one day to land more than the bycatch allowance). A trip shall be based on a calendar day basis.

#### ***4.3.2.4 Bycatch Allowance***

No directed fisheries for Atlantic herring shall be allowed in a management area subject to a spawning closure. A bycatch allowance of up to 2,000 pounds of herring per trip for non-directed fisheries shall be in place during the spawning closures. The amount of herring landed by one vessel in a day, as a bycatch allowance, shall not exceed 2,000 pounds (this prohibits a vessel from making multiple trips in one day to land more than the bycatch allowance). A trip shall be based on a calendar day basis.

Any herring vessel transiting a management area that is under a herring spawning closure must have all of its fishing gear stowed.

#### ***4.3.2.5 Other Spawning Area Considerations – Exemption for East of Cutler Fixed Gear Fisheries***

Under Amendment 1, all vessels fishing with fixed gear in state waters were required to obtain a permit from the appropriate state agency. While Amendment 1 does not specify an exemption for the fixed gear fisheries in the East Cutler area, these fisheries did have an exemption from the spawning restrictions prior to the amendment. The exemption was granted by the State of Maine and was later removed to comply with Amendment 1 to the Interstate FMP. The East Cutler area is defined in Figure 1. With implementation of Amendment 2, East of Cutler fixed gear fisheries are granted an exemption from spawning area considerations and are not limited on the amount of spawn herring that can be landed during a spawning closure.

# APPENDIX B. STATE SPAWNING REGULATIONS:

## Maine:

### DEPARTMENT OF MARINE RESOURCES

#### Chapter 36 Herring Regulations

#### 36.01 Herring Management Plan

##### A. Definitions

(1) Herring.

Herring means Atlantic Sea Herring, particularly the *Clupea Harengus harengus*.

(2) ICNAF gonad stages.

ICNAF gonad stages are the official stages adopted by the International Commission for the Northwest Atlantic Fisheries in 1964.

Excerpt from ICNAF, 1964, Table 2 definitions:

Stage V. Gonads fill body cavity. Eggs large, round; some transparent. Ovaries yellowish; testes milkwhite. Eggs and sperm do not flow, but sperm can be extruded by pressure.

Stage VI. Ripe gonads. Eggs transparent; testes white; eggs and sperm flow freely.

(3) Spawn herring.

Spawn herring is a sexually mature herring (male or female) in ICNAF gonad stages V or VI.

(9) "GSI" means the gonadosomatic index calculated by the following formula:

$(\text{Gonad Weight} / \text{Total Body Weight} - \text{Gonad Weight}) \times 100$  percent.

##### D. Catch restrictions.

(1) Spawning area restrictions.

It shall be unlawful to fish for, take, possess, transfer or land in any State of Maine port or facility, or to transfer at sea from any Maine registered vessel, any catch of herring harvested from the following described areas within ASMFC Management Area 1 at the following times:

(a) Eastern Maine:

All waters bounded by the following coordinates:

Maine coast 68° 20.0' W,

43° 48.0' N 68° 20.0' W,

44° 25.0' N 67° 03.0' W,

North along the U.S./Canada border.

Western Maine:

All waters bounded by the following coordinates:

43° 30.0' N Maine coast,  
43° 30.0' N 68° 54.5' W,  
43° 48.0' N 68° 20.0' W,  
North to Maine coast at 68° 20.0' W.

Massachusetts/New Hampshire:

All waters bounded by the Massachusetts, New Hampshire and Maine coasts, and  
43° 30.0' N 70° 00.0' W.

(b) Determination of starting dates for spawning areas.

Closures in a given area will begin based on a pre-determined spawning condition of Atlantic herring indicated by commercial catch samples. This spawning condition will be defined as: female herring greater than or equal to 28 cm in length having reached a mean gonadosomatic index (GSI) of 20%; or female herring greater than 24 cm and less than 28 cm in length having reached a mean GSI of 15%. Closures in a given area will begin seven (7) days after the GSI determination is made. If sufficient samples are not available, closures will begin on area specific dates as follows: Eastern Maine- August 15, Western Maine- September 1, Massachusetts/New Hampshire- September 21.

(c) Duration of spawning area restrictions.

The closure will extend for four (4) weeks. If catch sampling after the end of the initial restricted period determines that 25% or more mature herring, by number, have yet to spawn then the spawning restrictions would resume for an additional two weeks. The 20% tolerance shall be determined by examination of at least one hundred herring selected at random from the catch.

### **New Hampshire:**

Fis 603.07 Sea Herring.

(a) No person shall fish for, take, or possess unprocessed herring within the jurisdiction of New Hampshire from September 21 through October 19, except as specified in (d).

(b) The executive director shall revise the beginning date of the closure so that the closure shall be in effect whenever it is determined that the mean gonad somatic index for female herring 24 - 28 cm in length or greater is 15% or greater or the mean gonad somatic index for female herring 28 cm in length or greater is 20% or greater.

(c) If the results of herring samples collected at the end of the closure indicate that 25% or more by number of mature spawn female sea herring still contain spawn the executive director may extend the closure for an additional 28 days. "Mature spawn female sea herring" means female sea herring greater than 24 cm in length.

(d) During a spawning closure as specified in (a) through (c), all vessels fishing for species other than sea herring shall be limited to an incidental catch of 2000 pounds of herring per calendar day caught in or from the management area subject to a spawning closure.

(e) Any person, firm or organization engaged in the taking or landing of herring shall first obtain a permit to do so from the executive director.

(f) Any person, firm or organization properly permitted may land herring from areas not under spawning closures provided they are equipped with a functional vessel monitoring system.

(g) Nothing in the above provisions shall prohibit a person from possessing herring for use as bait while in the normal conduct of tending lobster and crab pots or any herring used as bait for angling purposes.

(h) No person shall land, transfer or transport herring taken from a management area or sub-area closed to a directed herring fishery to an internal waters processing operation.

(i) No person shall land herring taken from a management area or sub-area when 95% of the total allowable catch (TAC) for that area's or sub-area's seasonal or annual total allowable catch will be exceeded except a person may land and possess up to a maximum of 2,000 pounds of incidentally caught herring. The executive director shall revise the percentage of TAC, that would trigger a prohibition on landing, to 90% if it is determined that a closure at 95% is insufficient to prevent exceeding the seasonal or annual TAC.

(j) The executive director shall prohibit vessels from landing Atlantic herring caught from a management area which includes state waters from one and seven days per week, except as an incidental catch of a maximum of 2,000 pounds, if its projected that the seasonal or annual total allowable catch of the management area will be exceeded without no landing days. The number of no landing days per week shall be determined by the Atlantic States Marine Fisheries Commission's Atlantic herring section commissioners from New Hampshire, Maine and Massachusetts at a public meeting

(k) No person shall take herring from the waters under the jurisdiction of the state when the total allowable catch assigned to management area or sub-area which includes state waters has been attained except that a person may take and possess up to a maximum of 2,000 pounds of incidentally caught herring.

(l) Vessels shall not land herring more than once per calendar day.

## Massachusetts:

### **322 CMR 9.00: MANAGEMENT OF SEA HERRING**

#### **Section**

- 9.01: Definitions
- 9.02: Management Area Boundaries
- 9.03: Vessel Size Limit
- 9.04: Management Area 1A Fishing Day Restrictions
- 9.05: Fishing Restrictions & Annual Specifications

#### 9.01 Definitions.

For purposes of 322 CMR 9.00 only, the following words shall have the following meanings:

- (1) Fish for means to harvest, catch or take, or attempt to harvest, catch or take any sea herring by any method or means.
- (2) Gonad somatic index or GSI means for female herring the percentage obtained by the formula:  $[\text{Gonad weight}/(\text{total body weight} - \text{gonad weight})] \times 100$ .
- (3) GSI Trigger means female herring greater than 28 cm total length with a mean GSI of 20% or female herring greater than 24 cm and less than 28 cm with a mean GSI of 15%.
- (4) GSI Sampling means at least two samples of 50 fish or more in either GSI trigger length category taken from commercial catches during a period not to exceed seven days apart.
- (5) Southern Gulf of Maine means that portion of Management Area 1 south of 43 [degrees] 32' N parallel of latitude.
- (6) Land means to transfer the catch of any sea herring from any vessel onto any land or dock, pier, wharf, or other artificial structure.
- (7) Management Area means one of three Management Areas as specified in the Atlantic States Marine Fisheries Commission Atlantic Herring Fishery Management Plan (FMP) and NOAA Fisheries federal fishery management plan.
- (8) Management Area Quotas means the annual area-specific quota as specified by the Atlantic States Marine Fisheries Commission under the authority of the interstate and federal management plans.
- (9) Massachusetts/New Hampshire Spawning Area means all waters encompassed by an imaginary line beginning at the intersection of the 43 [degrees] 30' N parallel of latitude and the Maine coast; thence in a southwesterly direction along the coasts of Maine, New Hampshire, and the Commonwealth to the intersection of the 70 [degrees] 00' W meridian of longitude; thence in a northerly direction along the 70 [degrees] 00' W meridian of longitude to its intersection with the 43 [degrees] 30' N parallel of latitude; thence in a westerly direction along the 43 [degrees] 30' N parallel of latitude to the point of beginning.
- (10) Sea Herring means that species of Atlantic sea herring known as *Clupea harengus*.
- (11) Spawn Herring means mature sea herring in ICNAF gonadal stages V and VI.
- (12) Vessel means any waterborn craft registered under the laws of the state as that term is defined in M.G.L. c. 130, § 1.
- (13) Vessel Fishing for Mackerel means any vessel whose catch on board at any given time is at least 75% mackerel (*Scomber scombrus*) by weight.

## 9.02 Management Area Boundaries

(1) Management Area 1: all U.S. waters of the Gulf of Maine (GOM) north of a line extending from the eastern shore of Monomoy Island at 41° 35' N latitude, eastward to a point at 41° 35' N latitude, 69° 00' W longitude, thence northeasterly to a point along the Hague Line at 42° 53' 14" N latitude, 67° 44' 35" W longitude, thence northerly along the Hague Line to the U.S. Canadian border, to include state and Federal waters adjacent to the States of Maine, New Hampshire, and Massachusetts. Management Area 1 is divided into Area 1A (inshore) and Area 1B (offshore). The line dividing these areas is described by the following coordinates:

<i>N Latitude</i>	<i>W Longitude</i>
41° 58'	70° 00' at Cape Cod shoreline
42° 38'	70° 00'
42° 53'	69° 40'
43° 12'	69° 00'
43° 40'	68° 00'
43° 58'	67° 22' (the U.S.-Canada Maritime Boundary)

(2) Management Area 2: All waters west of 69° 00' W longitude and south of 41° 35' N latitude, to include state and Federal waters adjacent to the States of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina.

(3) Management Area 3: All U.S. waters east of 69° 00' W longitude and southeast of the line that runs from a point at 69° 00' W longitude and 41° 35' N latitude, northeasterly to the Hague Line at 67° 44' 35" W longitude and 42° 53' 14" N latitude.

(4) Management Area Map: [\[CLICK HERE TO VIEW MAP\]](#)

## 9.03 Spawning Herring Protection

(1) Prohibition. It shall be unlawful to possess or land any spawn sea herring caught from the Massachusetts/New Hampshire Spawning Area seven days after the GSI trigger for herring from that area is reached.

(2) Closure Duration. The prohibition of 322 CMR 9.03(1) shall extend for four weeks and may be extended by the Director if DMF sampling indicates that herring landings comprise more than 25% spawn herring.

(3) Default Closure. It shall be unlawful to possess or land any spawn sea herring caught from the Massachusetts/New Hampshire Spawning Area during the period September 21 through October 18 provided the GSI trigger has not been reached by September 14. This prohibition may be extended by the Director beyond October 18 if DMF sampling indicates that herring landings comprise more than 25% spawn herring.

(4) Exceptions. A vessel may land or possess up to 2,000 lbs. of sea herring during the closure period described in 322 CMR 9.03.

## 9.04 Vessel Size Limit

It shall be unlawful for any vessel greater than 165 feet in overall length and 3,000 horsepower to land sea herring in the Commonwealth.

9.05 Fishing Restrictions & Annual Specifications \*

(1) Commercial Fishery Limits. It is unlawful for a vessel to land or possess sea herring from:

(a) Management Area 1A

(i) on no-fishing days specified by the Atlantic States Marine Fisheries Commission and established by the Director through declaration;

(ii) when 100% of the Management Area 1A quota is taken or projected to be taken.

(b) Management Area 1B & 2

(i) when 100% of the Management Area 1B or 2 quota, respectively, is taken or projected to be taken.

(2) Commercial Fishery Limit Specifications & Adjustments.

(a) The director may declare and adjust sea herring commercial fishery landing/possession limits, seasons, and no-fishing days to correspond to limits established by the Atlantic States Marine Fisheries Commission.

(b) Prior to any declaration or adjustment of the landing/possession limits for sea herring, the Division shall:

(i) obtain written approval by a majority of the members of the Massachusetts Marine Fisheries Advisory Commission;

(ii) file notice with the Secretary of State;

(iii) publish a notice on the Marine Listserv and Division website; and (iv) directly notify sea herring dealers.

(3) Exceptions.

(a) Any vessel may land or possess up to 2,000 lbs. of sea herring during prohibited times established by 322 CMR 9.05.

REGULATORY AUTHORITY

M.G.L. c. 130, §§ 2, 17A, 80 and 104.

\* *Please Note: Sea Herring Management Area 1A trip limits have been updated via specification. Please see Marine Fisheries Advisory*