

# ***Atlantic States Marine Fisheries Commission***

## **DRAFT ADDENDUM I TO AMENDMENT 3 TO THE INTERSTATE FISHERY MANAGEMENT PLAN FOR ATLANTIC HERRING**



*ASMFC Vision: Sustainably Managing Atlantic Coastal Fisheries*

***This draft document was developed for Management Section review and discussion at the February 2017 meeting week. This document is not intended to solicit public comment as part of the Commission/State formal public input process. However, comments on this draft document may be given at the appropriate time on the agenda during the scheduled meeting. Also, if approved, a public comment period will be established to solicit input on the issues contained in the document.***

## **Atlantic States Marine Fisheries Commission Seeks Your Input on Atlantic Herring Management**

The public is encouraged to submit comments regarding this document during the public comment period. Comments will be accepted until **TBD**. Regardless of when they were sent, comments received after that time will not be included in the official record.

You may submit public comment in one or more of the following ways:

1. Attend public hearings held in your state or jurisdiction.
2. Refer comments to your state's members on the Atlantic Herring Management Section or Atlantic Herring Advisory Panel, if applicable.
3. Mail, fax, or email written comments to the following address:

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If you have any questions please call Ashton Harp at 703.842.0740.

### **Commission's Process and Timeline**

October 2016	Atlantic Herring Section Tasks PDT to Develop Draft Addendum I
Nov-Jan 2016	PDT Develops Draft Addendum I for Public Comment
<b>February 2017</b>	<b>Atlantic Herring Section Reviews Draft Addendum I and Considers Its Approval for Public Comment</b>
March-April	Section Solicits Public Comment and States Conduct Public Hearings
May 2017	Section Reviews Public Comment, Selects Management Options and Considers Final Approval of Addendum I
TBD	Provisions of Addendum I are Implemented

## 1. Introduction

The Atlantic States Marine Fisheries Commission (ASMFC) is responsible for managing Atlantic Herring (*Clupea harengus*), under the authority of the Atlantic Coastal Fisheries Cooperative Management Act (ACFMA). The U.S. Atlantic herring fishery is currently managed as a single stock through complementary fishery management plans (FMPs) by ASMFC and the New England Fishery Management Council (NEFMC). ASMFC has coordinated interstate management of Atlantic herring in state waters (0-3 miles) since 1993. Management authority in the exclusive economic zone (EEZ, 3-200 miles from shore) lies with the NEFMC and National Marine Fisheries Service (NMFS).

The stockwide annual catch limit (ACL) is divided amongst four distinct management areas: inshore Gulf of Maine (Area 1A), offshore Gulf of Maine (Area 1B), Southern New England/Mid-Atlantic (Area 2), and Georges Bank (Area 3). The Area 1A fishery is managed by ASMFC's Atlantic Herring Section (Section), which includes representatives from Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York and New Jersey.

The Section meets annually to distribute the Area 1A sub-ACL seasonally and determine the amount of landing days per week—these are the primary effort controls in the Area 1A fishery. Since 2009, the Section has split the Area 1A sub-ACL into trimesters (Table 1).

**Table 1. Current seasonal quota allocation of the Area 1A sub-ACL**

Trimester 1	January 1 - May 31	0% <sup>1</sup>
Trimester 2	June 1 – September 30	72.8%
Trimester 3	October 1 – December 31	27.2%

At its October 2016 meeting, the Section initiated Draft Addendum I to Amendment 3 of the Atlantic Herring FMP to consider alternative management measures in order to improve the performance of the Area 1A fishery. The additional effort controls should be designed to control the rate of Area 1A catch so the seasonal quota can be spread throughout the entirety of each trimester. Prior to each trimester, Section members from states adjacent to Area 1A (Maine, New Hampshire and Massachusetts), with input from stakeholders, have met to set the number of consecutive landings days per week via a Days Out Meeting. Fishery managers adapt these measures each year to provide herring between June and December, when demand for lobster bait is high and fishermen can sell their herring catch for premium value.

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<sup>1</sup> NMFS set a seasonal Area 1A sub-ACL division of 0% from January-May in the 2013-2015 and 2016-2018 specifications.

## 2. Overview

### 2.1 Statement of the Problem

The Area 1A sub-ACL is divided seasonally to meet the needs of the fishery and the bait market. The majority of the sub-ACL is allocated to the months of June – September (Trimester 2) when demand for lobster bait is highest. During the last two fishing years, the Area 1A Trimester 2 fishery has harvested herring at a rate that if left unrestricted would exceed the seasonal quota in weeks, not months. This increase in Area 1A fishing effort and vessel capacity is in reaction to a significant decrease of readily available herring in Area 3. Area 3 herring fishermen have reported finding some Atlantic herring schools, but in deep waters and intermixed with haddock schools.

The Atlantic Herring Section has attempted to spread the Trimester 2 quota throughout each season utilizing a series of in-season, reactive days out management measures on behalf of the Commission. Given the evolving nature of the fishery these efforts have proved to be ineffective. In 2016, the state of Maine implemented measures that were more restrictive than those of the Commission. The intent of this addendum is to develop additional measures that ensure the seasonal quota is spread throughout the entirety of each trimester, are consistent between the states, and address excessive capacity.

### 2.2 Background

#### 2.2.1 Area 1A Effort Controls

Effort controls are the primary focus of this addendum. The historical and current effort controls are summarized below.

##### *History of Area 1A Effort Controls*

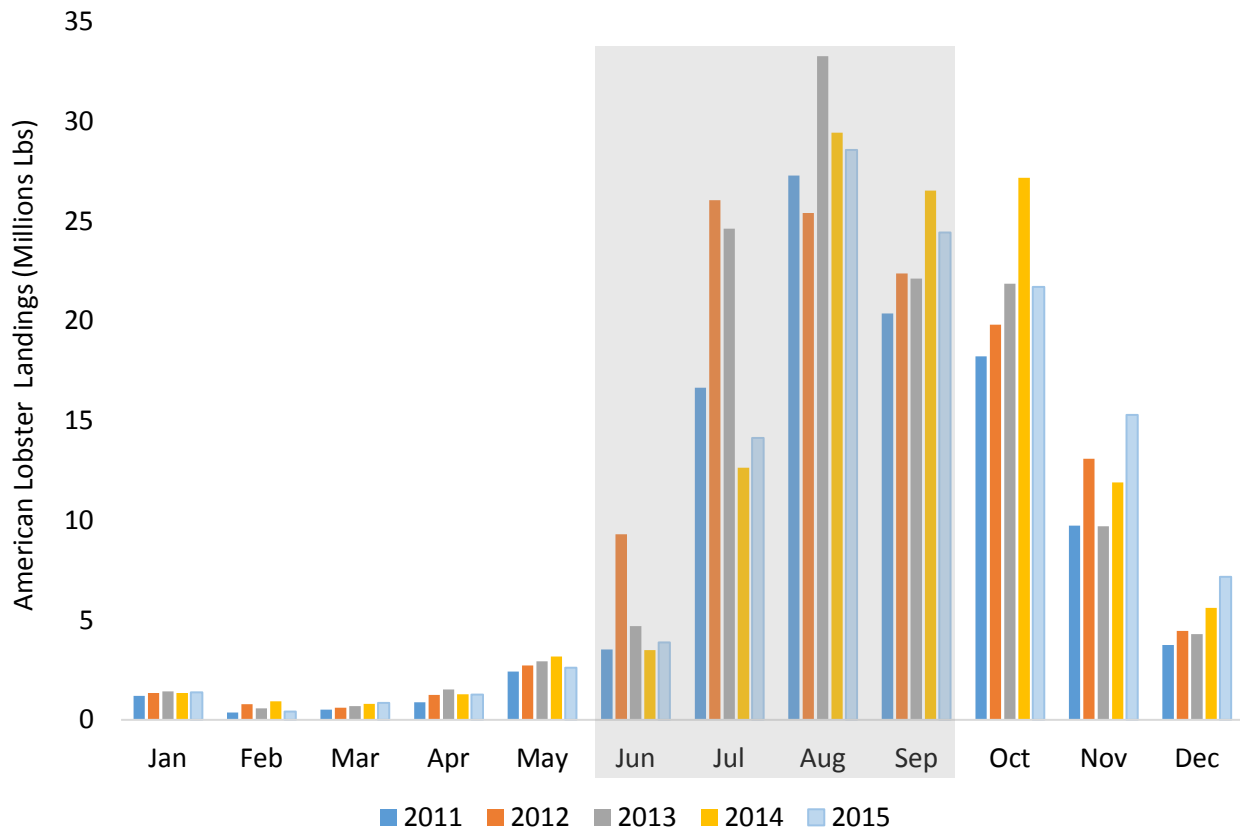
The days out management measures, first implemented in 1999 via Amendment 1 to the Atlantic Herring FMP, established fixed days out of the fishery relative to harvest levels. It was called a 'day out' because a vessel could not land or fish on the designated days out. For example, Friday, Saturday and Sunday were no landing/fishing days when 75% of the total allowable catch was expected to be exceeded; at 90%, Monday also became a no landing/fishing day. Amendment 2 (2006) removed the fixed landing days and allowed Section members to decide the specific days out of the fishery, as long as they were consecutive days. Consecutive days are seen as more effective because the fishery has to wait a period of time before resuming fishing efforts.

In the 2007 and 2008 fishing years there was a bait shortage due to a reduced Area 1A quota and increased effort, including an increase in the number of carrier vessels. The Section took action via Addendum I to Amendment 2 (2009) by creating seasonal quotas (bi-monthly periods or trimesters) to control effort and distribute the quota seasonally. In addition, a process to determine days out of the fishery was established, and the prohibition on fishing during a day out was removed due to jurisdictional concerns from the ASMFC Law Enforcement Committee

(LEC). Specifically a 2009 LEC memo states that the vast majority of Area 1A fishing takes place in federal waters where state officers have no authority to enforce ASMFC at-sea fishing restrictions.

*Current Area 1A Effort Controls*

The Section meets annually to distribute the Area 1A sub-ACL seasonally and determine the amount of landing days per week—these are the primary effort controls in the Area 1A fishery. Since 2009, the Section has split the Area 1A sub-ACL into trimesters (Table 1). The majority (72.8%) of the Area 1A sub-ACL has been allocated during the months of June through September (Trimester 2). This time period largely overlaps with the peak months for lobster landings (Figure 1), where herring is the most widely used bait type.



**Figure 1. Monthly landings of American lobsters in Maine (2011-2015). The months within Trimester 2 of the Atlantic Herring Area 1A fishery are shaded in grey. Source: ACCSP**

Table 2 shows the historical landing days during Trimester 2 of the Area 1A fishery. At the start of the season, managers make planned landing day adjustments based on fishery performance from previous years. At times, managers have to make reactionary changes in-season to increase or decrease the landings days based on the amount of seasonal quota available.

Table 2. Area 1A landing days during Trimester 2 (2011-2016)

Year	Trimester 2	Landing Days	Comments
2011	June 1 – June 26	2	3 in-season planned changes; 1 reactionary
2011	June 27 – July 17	3	
2011	July 18 – Aug 7	4	
2011	Aug 8 – Sept 30 ( <i>reactionary</i> )	7	
2012	June 1 - 30	2	3 in-season planned changes
2012	July 1 – 14	4	
2012	July 15 – Sept 30	7	
2013	June 1 – Sept 8	7	1 reactionary in-season change
2013	Sept 9 – 30 ( <i>reactionary</i> )	0	
2014	June 1 – July 6	5	1 reactionary in-season change
2014	July 7 – Sept 30 ( <i>reactionary</i> )	7	
2015	June 1- July 5	5	2 in-season planned changes; 1 reactionary
2015	July 6 – Aug 27	7	
2015	Aug 28 – Sept 30 ( <i>reactionary</i> )	0	
2016	June 1 – 30	3	3 in-season planned changes; 2 reactionary
2016	July 1-14	4	
2016	July 15-23	5	
2016	July 24 – Sept 17 ( <i>reactionary</i> )	2	
2016	Sept 18 – Sept 30 ( <i>reactionary</i> )	0	

In 2011, 2012 and 2014 managers gradually increased the amount of landing days such that Trimester 2 ended with seven landing days to ensure the seasonal quota was harvested. In 2013, the season opened with seven landing days and was restricted to zero landing days at the beginning of September.

In 2015, managers planned to gradually increase the amount of landing days throughout the summer, however due to a surge in August landings the fishery was restricted to zero landing days in September.

In 2016, managers planned to gradually increase the number of landing days during July, however, higher than expected landings in June resulted in landing day restrictions in mid-July and mid-September on behalf of the Commission. Maine’s Department of Marine Resources (DMR) applied additional measures to those vessels landing in Maine, which included a weekly landing limit, fishing day restrictions, transfer at sea restrictions, etc.

For more information on historical Area 1A effort controls and the 2015/2016 fishing season, refer to Appendix 6.1 (white paper).

**2.2.2 Fishing Effort**

*Landings*

Atlantic herring vessels use purse seines, single midwater trawls, midwater pair trawls, small mesh bottom trawls and fixed gear for fishing gear, with the purse seiners harvesting the majority of Area 1A landings in recent years (Table 3a). Vessels using single and paired midwater trawls are prohibited from fishing for Atlantic herring in Area 1A from June 1 – September 30 of each fishing year. Some herring vessels use multiple gear types during the fishing year.

Single and pair trawl vessels generally fish in all areas (October-December in Area 1A), though Areas 1A and 1B account for less of their overall landings in recent years (Table 3c). Bottom otter trawl, which includes small mesh<sup>2</sup> bottom trawl, has access to the fishery beginning July 15—landings account for less than 1% of Area 1A landings (Table 3a, 3b). In New Hampshire, small mesh bottom trawl vessels generally target whiting, herring is considered a secondary species and targeted if there are available landing days and a market.

**Table 3a. Overall Atlantic herring landings (mt) by fishing gear type and year in Area 1A.**  
Source: ACCSP

<b>Gear Type</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>% of overall total landings</b>
<b>Bottom Otter Trawl</b>	356	106	100	117	<b>1%</b>
<b>Single Midwater Trawl</b>	270	998	1,164	2,224	<b>4%</b>
<b>Midwater Pair Trawl</b>	3,716	5,504	4,534	4,155	<b>15%</b>
<b>Purse Seine</b>	19,191	23,125	27,151	23,007	<b>80%</b>
<b>Other</b>	4	8	10	28	<b>0%</b>
<b>Total</b>	<b>23,546</b>	<b>29,741</b>	<b>32,957</b>	<b>29,531</b>	

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<sup>2</sup> Small mesh is defined as smaller than 6.5” square or diamond mesh in the cod end of the net.

**Table 3b. Trimester 2 (June – September) Atlantic herring landings (mt) by fishing gear type and year in Area 1A. Source: ACCSP**

<b>Gear Type</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>% of overall total landings</b>
<b>Bottom Otter Trawl</b>	347	95	89	107	<b>0.8%</b>
<b>Single Midwater Trawl</b>	0	0	0	0	<b>0%</b>
<b>Midwater Pair Trawl</b>	0	0	0	0	<b>0%</b>
<b>Purse Seine</b>	17,524	19,984	22,665	20,275	<b>99%</b>
<b>Other</b>	4	7	8	28	<b>0.05%</b>
<b>Total</b>	<b>17,875</b>	<b>20,087</b>	<b>22,762</b>	<b>20,409</b>	

**Table 3c. Trimester 3 (October - December) Atlantic herring landings (mt) by fishing gear type and year in Area 1A. Source: ACCSP**

<b>Gear Type</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>% of overall total landings</b>
<b>Bottom Otter Trawl</b>	9	9	10	10	<b>0%</b>
<b>Single Midwater Trawl</b>	270	998	1,083	2,224	<b>14%</b>
<b>Midwater Pair Trawl</b>	3,703	4,992	4,534	4,155	<b>51%</b>
<b>Purse Seine</b>	1,624	3,132	4,359	2,733	<b>35%</b>
<b>Other</b>	0	0	0	0	<b>0%</b>
<b>Total</b>	<b>5,607</b>	<b>9,130</b>	<b>9,986</b>	<b>9,121</b>	

*Number of Vessels*

In 2016, there were two additional purse seine vessels directing on Atlantic herring when compared to 2015 (4a-c, 5a-b). As a high volume fishery, two additional vessels greatly increases the capacity of the fishery. The following tables illustrate the number of vessels in Area 1A by gear type (4a-c) and the number of vessels directing on herring by federal permit category (5a-b).

In Area 1A June to September, the overall number of active permits has generally declined, with a small increase in 2016 (Figure 2). The Area 1A sub-ACL has been approximately 30,000 metric tons during this time period, therefore the total removals by permit is increasing, due to a decreasing trend in participation. Given the change in price per pound (Figure 3), this translates into a larger ex-vessel revenue per permit. In 2013, the average was \$600,000 per permit, compared to \$1.4 million per permit in 2016.



**Table 4a. Total number of active herring vessels by gear type in Area 1A.**

Gear Type	2012	2013	2014	2015	2016 <sup>1</sup>	Trends
Bottom Otter Trawl	30	19	18	15	13	Decreasing
Midwater Trawl	9	10	9	11	7	Fluctuating, recent decrease
Purse Seine	8	8	6	5	7	Fluctuating, recent increase
Other	48	31	42	39	20	Decreasing

<sup>1</sup> 2016 data are preliminary

**Table 4b. Number of active herring vessels by gear type in Area 1A during Trimester 2.**

Gear Type	2012	2013	2014	2015	2016 <sup>1</sup>
Bottom Otter Trawl	29	18	15	12	11
Midwater Trawl	0	0	0	0	0
Purse Seine	8	8	6	5	7
Other	18	13	22	23	17

<sup>1</sup> 2016 data are preliminary

**Table 4c. Number of active herring vessels by gear type in Area 1A during Trimester 3.**

Gear Type	2012	2013	2014	2015	2016 <sup>1</sup>
Bottom Otter Trawl	5	6	4	5	6
Midwater Trawl	9	10	9	11	7
Purse Seine	5	7	5	5	4
Other	3	4	10	6	5

<sup>1</sup> 2016 data are preliminary

**Table 5a. Active<sup>1</sup> Herring Vessels by Federal Permit Category and Gear Type, Permit Year 2015 (May-Apr)**

Permit Category	Purse Seine	Other <sup>2</sup>	Midwater Trawl	Bottom Trawl
A and BC	5		14	7
C				11
D and DE		25		38

Source: GARFO Permit and DMIS database as of 2017-01-03

<sup>1</sup>Permit active if reporting greater than 1 pound of Atlantic herring between May 1, 2015 and April 30, 2016

<sup>2</sup>Other gear types include hand, gillnet, trap, etc.

**Table 5b. Active<sup>1</sup> Herring Vessels by Federal Permit Category and Gear Type, Permit Year 2016<sup>3</sup> (May-Dec), Preliminary Data**

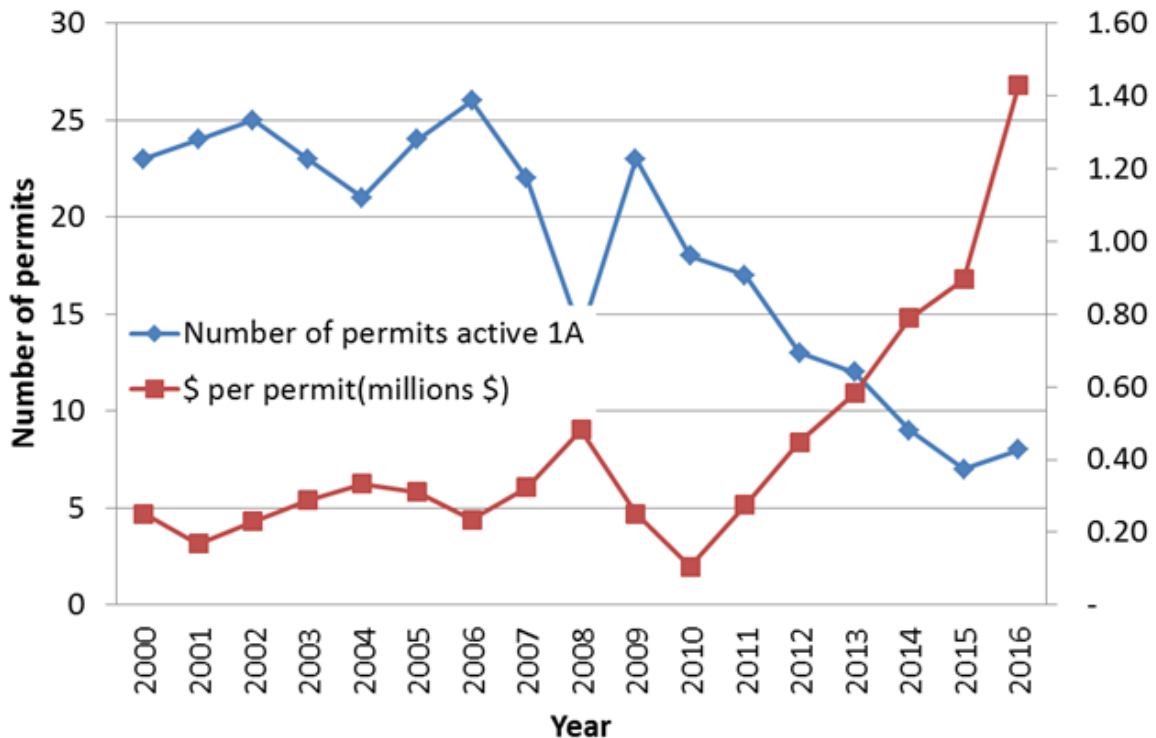
Permit Category	Purse Seine	Other <sup>2</sup>	Midwater Trawl	Bottom Trawl
A and BC	7		14	7
C				9
D and DE		16		26

Source: GARFO Permit and DMIS database as of 2017-01-12

<sup>1</sup>Permit active if reporting greater than 1 pound of Atlantic herring between May 1, 2016 and December 31, 2016

<sup>2</sup>Other gear types include hand, gillnet, trap, etc.

<sup>3</sup> 2016 data are preliminary

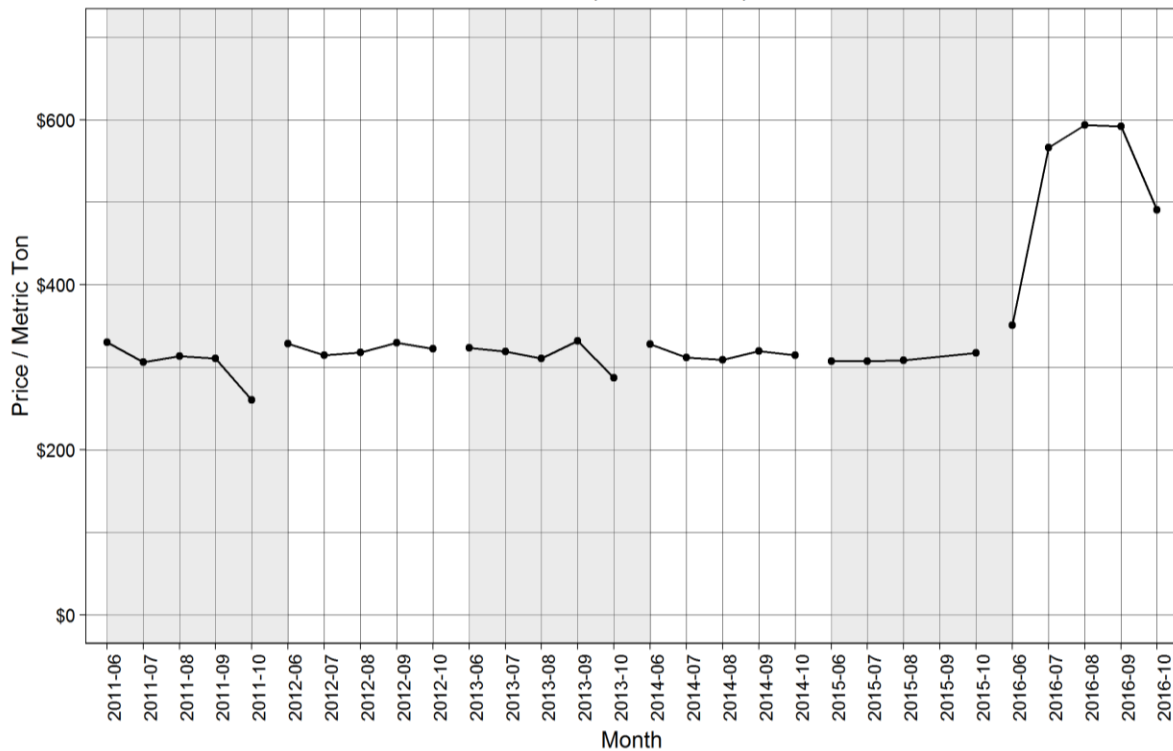


**Figure 2. Number of active permits and average total revenue (average catch times average price/lbs summed) in Area 1A, June through September by year. The data was queried to include the number of active permits that harvested >6,600 lbs to represent the directed fishery.**

**2.2.3 Market**

During Trimester 2 of the 2012-2015 fishing season, the average price of herring per metric ton in Area 1A was slightly more than \$300. In 2016, the per metric ton price peaked at approximately \$600 (Figure 3). As described in Section 2.2.1 and in a herring white paper (Appendix 6.1), the 2016 Area 1A Atlantic herring fishing season opened in June to almost double the projected landings. For example, three weeks into June the fishery was projected to have harvested 1,300 mt, however 2,837 mt<sup>3</sup> had been harvested. Similar to 2015 but earlier in the season, Area 3 landings became stagnant and Area 1A landings increased

The supply of herring to the bait market during June – October has traditionally come from harvest in Area 1A and 3, collectively these areas comprise more than half of the Atlantic herring annual catch limit. During June-August 2016, the primary source of Atlantic herring landings was from Area 1A only, however, the demand for herring in the summer months exceeds the allowable Area 1A catch limit. The shortage of herring throughout the summer months, when demand is highest, resulted in a two-fold increase in the average price per metric ton.



**Figure 3. Atlantic Herring Area 1A Monthly Average Price per Metric Ton, June-October 2011-2016 (2010 dollars). Source: NMFS**

<sup>3</sup> Preliminary landings data

### **2.2.3 Carrier Vessels and Transfers at Sea**

Federal rules specify that a carrier vessel is a vessel that has received herring from another vessel and will not report that catch as its own on its Federal Vessel Trip Report. A carrier vessel can have no gear on board capable of catching or processing fish and it cannot transport species other than herring or groundfish. A harvester vessel is a vessel that is required to report the catch it has aboard as the harvesting vessel on its Federal Vessel Trip Report.

Amendment 5 to the Federal Herring FMP, effective March 2014, provided more flexibility to vessels engaging in carrying activities. Prior to 2014, a vessel could become a carrier vessel if it had a letter of authorization (LOA) from the Regional Administrator. The LOA required a minimum 7-day enrollment period (i.e. time to process and issue the LOA) during such time the vessel could only act as a herring carrier, it could not fish for any species or transport species other than herring or groundfish. After 2014, a vessel can declare what activity it will be engaging in on a trip-by-trip basis (via VMS) rather than being required to remain in one activity a week at a time.

Amendment 5 also established an At-Sea Herring Dealer Permit. If a carrier vessel intends to sell herring, instead of solely transporting herring to the dock, then a Federal At-Sea Herring Dealer Permit is required. In 2016, 5 permits were issued to carrier vessels, compared to 1 in 2015 (Table 6).

**Table 6. Issued Atlantic Herring At-Sea Dealer Permits, 2012-2016 (Jan-Dec)**

	<b>2012</b>	<b>2013</b>	<b>2014<sup>1</sup></b>	<b>2015<sup>1</sup></b>	<b>2016<sup>1</sup></b>
<b>At-Sea Atlantic Herring Dealer Permit</b>	NA	NA	0	1	5

Source: GARFO Permit database as of 2016-12-28

<sup>1</sup>Atlantic herring at-sea dealer permits were implemented in Amendment 5 effective March, 2014

Amendment 5 to the Federal Herring FMP eliminated VTR reporting requirements for carrier vessels starting in 2014, therefore the number of carrier vessels and trips from 2014-2016 (Table 7) are incomplete and represent minimal amounts. Given these data constraints the following are the minimum values for carrier activity in 2016; Area 1A had 3 carrier vessels that made 37 trips. In 2013, the last year that carrier vessels were required to report activity on VTRs, there were 8 carrier vessels that made 110 trips—the fishery moved to zero landing days on September 9, 2013.

Dockside reports indicate vessels are harvesting herring on days out of the fishery and transferring harvest at-sea to carrier or larger harvester vessels until landing is permitted. The practice of fishing beyond the days that are open to landing is rendering the days out program less effective in controlling the rate of harvest.

**Table 7. Herring Carrier and Transfer and Receive at-Sea Vessels, 2012-2016 (May-Apr)**

		2012	2013	2014 <sup>4</sup>	2015 <sup>4</sup>	2016 <sup>4</sup>
<b>All Management Areas</b>	<b># of Potential Herring Carrier Vessels<sup>1</sup></b>	16	19	22	19	19
	<b># of Herring Carrier Vessels that Harvested Herring<sup>1</sup></b>	6	8	10	9	7
	<b>Vessels with Transfer and Receive LOA<sup>3</sup></b>	44	42	39	35	44
<b>Area 1A</b>	<b>Vessels Acting as a Carrier in Area 1A<sup>2</sup></b>	4	8	7	3	3
	<b>Area 1A Herring Carrier Trips<sup>2</sup></b>	84	110	59	41	37

Source: GARFO Permit and VTR database as of 12/28/2016

<sup>1</sup>Herring carrier vessels identified by Herring Carrier LOA issuance prior to 2014, or combination of LOA issuance and VMS declaration for 2014 and beyond that reported herring harvest on VTRs.

<sup>2</sup>Herring Area 1A activity determined by carrier trips NOT landing in NJ and NOT reporting menhaden species

<sup>3</sup>Transfer and Receive LOAs allow for transferring OR receiving herring at sea

<sup>4</sup>The implementation of Amendment 5 in March, 2014 eliminated VTR reporting requirements on carrier trips, precluding accurate activity counts for 2014-2016. However, some vessels continued to provide VTRs for carrier trips during these years, which are reflected above. It is important to remember the 2014-2016 activity counts are incomplete and represent minimum amounts.

### **2.2.5 Permits (Federal and State)**

The majority of options under each management alternative are linked to federal permit categories; therefore the following summarizes categories and respective reporting requirements.

#### *Federal Permit Categories to Harvest Herring*

The vast majority of vessels in the Atlantic Herring Area 1A fishery are federally-permitted because Area 1A includes state and federal waters. The Federal Herring FMP established limited and open access programs in the herring fishery. There are five permit categories: 1) limited access permit for all management areas (Category A)<sup>4</sup>; 2) limited access permit for access to Areas 2 and 3 only (Category B); 3) limited access incidental catch permit for 25 mt per trip (Category C); 4) an open access incidental catch permit for 3 mt per trip (Category D); and 5) an open access incidental catch permit for 9 mt in Areas 2 and 3 only (Category E). Category B and

<sup>4</sup> A vessel is eligible for an All Areas Limited Access Herring Permit (Category A) if it meets the history and landings criteria. To meet the history criteria the vessel must have been issued a Federal herring permit that was valid as of November 10, 2005. To meet the landings requirements the vessel and/or any vessel it replaced must have landed at least 500 mt of herring in any one calendar year between January 1, 1993, and December 31, 2003, as verified by dealer reports submitted to NMFS.

**Draft Document for Section Review. Not for Public Comment.**

E permitted vessels cannot fish in Area 1A and are not included in this addendum. Category A vessels comprise the majority of the directed Atlantic herring fishery in Area 1A (Table 8).

The following summarizes reporting requirements<sup>5</sup> by permit category: limited access herring vessels are required to report herring catch daily via vessel monitoring systems (VMS), open access herring vessels are required to report catch weekly via the interactive voice response (IVR) system, and all herring-permitted vessels are required to submit vessel trip reports (VTRs) weekly. In addition, vessels<sup>6</sup> must submit VMS pre-trip and pre-landing notifications, as well as a gear declaration. VTRs, in combination with observer data, are used in herring stock assessments, while a combination of dealer data, VTR, and VMS, and observer data are used to track catch against herring annual catch limits and catch caps in the herring fishery

**Table 8. Area 1A catch (metric tons) by federally-permitted vessels, 2012-2015**

Permit Category		2012	2013	2014	2015
Limited Access	A	22,703	29,430	32,848	29,386
	C	668	263	39	77
Open Access	D	173	42	63	54

Since 2012, the number of vessels with a Category C or D permit have decreased annually and the number of vessels with a Category A permits have fluctuated (Table 9). In 2016, there were 22 active Category A vessels and 17 latent permits (Table 9).

**Table 9. Fishing vessels with federal Atlantic herring permits, 2012-2016 (May-April).**

Permit Category		2012	2013	2014	2015	2016 <sup>1</sup>
Limited Access	A	42 (57.1%)	39 (66.7%)	40 (62.5%)	42 (50%)	39 (56.4%)
	C	47 (31.9%)	44 (29.5%)	42 (23.8%)	41 (26.8%)	40 (22.5%)
Open Access	D	2,065 (3.5%)	1,957 (3.3%)	1,838 (3.6%)	1,762 (3.4%)	1,684 (2.5%)

Source: GARFO Permit database and DMIS as of 2016-12-23

# is the total number of issued permits; () is the percentage that are active meaning they landed herring within that year.

<sup>1</sup> 2016 data are incomplete

<sup>5</sup> As of 76 FR 54385; September 2011

<sup>6</sup> All limited access herring vessels and vessels issued an Areas 2/3 Open Access Permit

*State Permits*

The following provides an overview of state licenses/permits to take, land or sell herring by state (Table 10).

In Maine, all harvesters who catch 2,000 pounds or more Atlantic herring in any given week must possess an interactive voice recording system (IVR) *Herring Landing Permit* on their *Commercial Pelagic and Anadromous Fishing License* issued by the Department of Marine Resources. In Maine waters, a harvester can only use purse seine or fixed gear to harvest herring.

In New Hampshire, a *Commercial Saltwater License* is required for the landing, sale and transport of marine species including, but not limited to, herring. Licenses are issued for the calendar year on an annual basis to the individual. A *Sea Herring Possession Permit* is required for the taking or landing of herring. Permits are issued for the calendar year on an annual basis to the individual or organization. In New Hampshire waters, the use of mobile gear (including purse seine and trawl) to catch finfish is prohibited.

In Massachusetts, all persons who land and sell fish (or any other living marine resources) in Massachusetts must have a *Commercial Fishing Permit* from the Division of Marine Fisheries. In addition, commercial fishermen who intend to land Atlantic herring must also obtain a *Sea Herring Endorsement* on their permit. While there is currently no limit to the number of commercial fishing permits or herring endorsements issued each year, a separate limited-entry *Coastal Access Permit* (CAP) is required to fish with trawl gear inside Massachusetts state waters, which also limits the maximum size of these vessels to 72 feet. This vessel size restriction, combined with a statewide minimum mesh size of 6 ½ inches, effectively prevents herring fishing in Massachusetts waters via midwater trawl or purse seine.

**Table 10. Overview of permits to take, land, or sell herring by state**

State	Permit Type	# of Permits	
		2015	2016
Maine	Herring Landing Permit	182	225
New Hampshire	Sea Herring Possession Permit	3	2
Massachusetts	Sea Herring Endorsement	175	180

**Table 11. Number of herring harvesters with a state permit only (i.e., no federal permit), 2015**

State	2015
Maine	121
New Hampshire	0
Massachusetts	NA

**3. Management Alternatives**

At the October 2016 meeting, the Section proposed nine management alternatives for further consideration by the Atlantic Herring Plan Development Team (PDT) (Table 12). The PDT reviewed all management alternatives and developed options for six of them. To improve the stability of the fishery and stabilize the rate of harvest during the fishing season the adoption of all six may not be necessary.

Three management alternatives were reviewed by the PDT, but options were not developed. A regional working group (WG) composed of the states of Maine, New Hampshire and Massachusetts was developed to discuss PDT concerns about these alternatives. The WG met on January 5 in Portsmouth, New Hampshire. The PDT and WG recommend removing two management alternatives from Draft Addendum I for the reasons stated in Section 3.2. Section 4 includes scoping questions to guide the development of potential management options for a tiered weekly landing limit. The Section may consider the addition of a scoping section to the document and the PDT/WG recommendations at the Winter Meeting.

**Table 12. Overview of Management Alternatives**

<b>Management Alternatives</b>	<b>Options Developed</b> •: yes X: no	<b>May Require NMFS involvement</b>	<b>May Require ACCSP Involvement</b>
Implement State Vessel Landing Reports	•	•	•
Prohibit Landings of Herring Caught in Area 1A During a Day Out of the Fishery	•	•	
Weekly Landing Limit Per Vessel	•		
Landing Restrictions on Transfers At-Sea	•	•	•
Small-Mesh Bottom Trawl Fleet Days Out	•		
Clarify Days Out Procedure	•		
Tiered Weekly Landing Limit	X	•	
Restrict Vessels from Midseason Gear Changes	X	•	
Small-Mesh Bottom Trawl Set-Aside	X	•	



### 3.1 Alternatives Developed by the PDT

#### 3.1.1 Harvester Reporting Requirements

*Currently, states adjacent to Area 1A do not have access to VMS pre-trip landing reports to monitor daily landings. Option B requires additional reporting on behalf of harvesters to states. All harvesters will have to complete a state landing report (to be developed), in addition to federal reports. The complexity of the reporting system will depend on the other options chosen in this document. Additional time will be required to work with ACCSP to implement this option via eTrips. Full implementation may-not be possible prior to the 2017 fishing season. The option also incorporates the existing federal reporting requirements into the interstate FMP.*

*If specific state representatives are granted access to the NOAA VMS pre-landing reports then additional state landing reports on behalf of harvesters would not be necessary. The Commission could send a letter to the National Marine Fisheries Service requesting access to VMS pre-landing reports.*

*This alternative proposes to modify “Timely Reporting of State Landings” in Section 4.2.5 of the Atlantic Herring FMP.*

#### **Option A: Status Quo**

#### **Option B: Implement State Landing Report**

If a harvester meets the following criteria then one must submit complete a state landing report: 1) landing herring caught from Management Area 1A, and 2) landing at a Maine, New Hampshire or Massachusetts port. The state landing report is in addition to the federal reporting requirements. The reports must be submitted in 24-hr intervals for each day and must be submitted by 9:00 a.m. of the following day.

States will develop the format for the state landing report and the reporting system to aggregate the data. Data will be uploaded into ACCSP to ensure landings are not double-counted and confidentiality rules are upheld. The state vessel landing reports will be used to monitor the seasonal quota, transfers at sea and potentially the vessel weekly landing limits.

As specified in the federal Herring FMP, vessels with limited access herring permits must report catch (retained and discarded) of herring daily via VMS, unless granted an exemption. Daily Atlantic herring VMS catch reports must be submitted in 24-hr intervals for each day and must be submitted by 9:00 a.m. of the following day. Reports are required even if herring caught that day has not yet been landed.

In addition, an owner or operator of any vessel issued an open access permit for Atlantic herring that catches  $\geq 2,000$  lb (907.2 kg) of Atlantic herring on any trip in a week must submit an Atlantic herring catch report via the IVR system for that week. The IVR reporting week begins on Sunday at 12:01 AM local time and ends Saturday at 12 midnight. Weekly Atlantic herring

catch reports must be submitted via the IVR system by midnight, Eastern Time, each Tuesday for the previous week. Reports are required even if herring caught during the week has not yet been landed.

State law enforcement officials can report non-compliance with state and federal reporting requirements to the appropriate authorities.

### **3.1.2 Prohibit Landings of Herring Caught in Area 1A During a Day Out of the Fishery**

*Similar to the current spawning closures, vessels with a Category A Limited Access Permit or all directed herring vessels, depending on the option, would be prohibited from landing herring caught from or within Area 1A on a day out of the fishery.*

*This alternative proposes to replace “Days Out” in Section 4.2.4.2 of the Atlantic Herring FMP.*

#### **Option A: Status Quo**

Harvesters are prohibited from landing herring during a ‘day out’. In addition, vessels may only land once per calendar day on any day that is open to landing (not a ‘day out’).

Vessels with an Atlantic herring permit are not prohibited from participating in other fisheries for other species in restricted areas during days out of the Atlantic herring fishery. Landing of herring taken from management areas without ‘days out’ restrictions will be allowed on ‘days out’ in Area 1A. Any vessel transiting an area closed to fishing with legally caught herring on board must have its fishing gear stowed.

During a ‘day out’, vessels participating in other fisheries may land an incidental catch of herring that does not exceed 2,000 pounds per trip. Vessels may not land more than 2,000 pounds of herring per day caught in an area closed to the directed herring fishing. Vessels transiting a closed area with more than 2,000 pounds of legally caught herring on board must have all seine and trawl gear stowed.

Fixed gear fishermen may remove and land herring from the gear (weirs and stop seines) on the days designated as a ‘day out’ of the fishery.

#### **Option B: Days Out Restrictions for All Directed Herring Vessels**

Directed herring vessels are prohibited from landing or possessing herring caught from Area 1A during a ‘day out’ of the fishery. In addition, vessels may only land once per calendar day on any day that is open to landing (i.e., not a ‘day out’).

Vessels are not prohibited from participating in other fisheries for other species in restricted areas during days out of the Atlantic herring fishery. Landing of herring taken from management areas without ‘days out’ restrictions will be allowed on ‘days out’ in Area 1A. Any

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vessel transiting an area closed to fishing with legally caught herring on board must have its fishing gear stowed.

During a 'day out', vessels participating in other fisheries may land an incidental catch of herring that does not exceed 2,000 pounds per trip. Vessels may not land more than 2,000 pounds of herring per day caught in an area closed to the directed herring fishing. Vessels transiting a closed area with more than 2,000 pounds of legally caught herring on board must have all seine and trawl gear stowed.

Fixed gear fishermen may remove and land herring from the gear (weirs and stop seines) on the days designated as a 'day out' of the fishery.

**Option C: Days Out Restrictions for Vessels with a Category A Limited Access Herring Permit**

Vessels with a Category A Limited Access Permit are prohibited from landing or possessing herring caught from Area 1A on a day out of the fishery. Vessels with a Category A Limited Access Permit may land once per calendar day on any day that is open to landing (i.e., not a 'day out').

Vessels with a Category A Limited Access Permit are not prohibited from participating in other fisheries for other species in restricted areas during days out of the Atlantic herring fishery. Landing of herring taken from management areas without 'days out' restrictions will be allowed on 'days out' in Area 1A. Category A vessels transiting a closed area with more than 2,000 pounds of legally caught herring on board must have all seine and trawl gear stowed.

During a 'day out', vessels with a Category A Limited Access Permit participating in other fisheries may land an incidental catch of herring that does not exceed 2,000 pounds per trip. Vessels with a Category A Limited Access Permit may not land more than 2,000 pounds of herring per day caught in an area closed to the directed herring fishing. Vessels transiting a closed area with more than 2,000 pounds of legally caught herring on board must have all seine and trawl gear stowed.

Vessels with a Category C Limited Access Permit or a Category D Open Access Herring Permit may land on a day designated as a day out of the fishery. In addition, fixed gear fishermen may remove and land herring from the gear (weirs and stop seines) on the days designated as a 'day out' of the fishery.

**3.1.3 Weekly Landing Limit Per Vessel (Pounds)**

*The PDT expects a weekly landing limit, in addition to the implementation of state landing reports, will stabilize landings in the fishery. However, weekly landing limits could increase the probability for slippage and discards given the large volume of fish captured in each set. States will need to develop a system for harvesters to declare into the Area 1A fishery. Additional staff time will be required to track landings by individual vessel and adjust the weekly landing limit*

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*based on the amount of vessels fishing in a given week. If more vessels declare intent to participate in this fishery than actually go fishing, the weekly landing limit per vessel could be overly restrictive and result in an underutilization of the Trimester 2 quota. Access to data, as described under Alternative 1 (State Landing Report), is required to enforce weekly landing limits.*

*Under Option B, vessels with a Category C Limited Access Permit are not restricted by an ASMFC weekly harvester landing limit. Category C vessels are restricted, as a condition of the federal permit, to catching 55,000 lbs of herring per day (385,000 lbs per week). Landings by a Category C vessel in the last 5 years have not exceeded 700 mt, in 2015 Category C vessels landed 77 mt from 11 vessels. In comparison to Option B, Option C would require additional staff time to monitor Category C landings, which comprise less than 1 percent of Area 1A landings.*

*This alternative proposes to create “Weekly Landing Limit” under Section 4.2.4 Effort Controls in the Atlantic Herring FMP.*

**Option A: Status Quo**

No weekly landing limits.

**Option B: Weekly Harvester Landing Limit for Vessels with a Category A Limited Access Permit**

Vessels with a Category A Limited Access Permit that land herring caught in Area 1A are subject to a weekly harvester landing limit (pounds) during Trimester 2 (June-September). Vessels landing in Maine, New Hampshire and Massachusetts are subject to the same weekly landing limit, regardless of port state.

Section members from Maine, New Hampshire and Massachusetts will meet in-person or conference call prior to the start of the fishing season to agree upon the weekly landing limit based on the number of participants in the fishery and the Trimester 2 seasonal quota. Harvesters are required to notify states of their intent to fish in Area 1A and the gear type they will be using at least 45 days prior to the start of the fishing season. If more vessels declare intent to participate in the fishery than actually go fishing, the weekly landing limit per vessel could be overly restrictive and result in an underutilization of the Trimester 2 quota. During the fishing season states will agree on changes to the weekly landing limit, as necessary. ASMFC will publish the initial weekly landing limit and adjustments thereafter.

Vessels with a Category A Limited Access Permit are limited to one landing per 24-hour period. Harvester vessels must notify states according to state-specific protocol prior to landing. While the start time for the weekly landing limit restriction may vary by state, the states must implement the same landing restriction for the same consecutive days each week.

**Option C: Weekly Harvester Landing Limit for Vessels with a Category A or C Permit**

Vessels with a Category A or C Limited Access Permit landing herring caught in Area 1A are subject to a weekly harvester landing limit (pounds) during Trimester 2 (June-September).

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Vessels landing in Maine, New Hampshire and Massachusetts are subject to the same weekly landing limit, regardless of port state.

Section members from Maine, New Hampshire and Massachusetts will meet in-person or conference call prior to the start of the fishing season to agree upon the weekly landing limit based on the number of participants in the fishery and the Trimester 2 seasonal quota. Harvesters are required to notify states of their intent to fish in Area 1A and the gear type they will be using at least 45 days prior to the start of the fishing season. If more vessels declare intent to participate in the fishery than actually go fishing, the weekly landing limit per vessel could be overly restrictive and result in an underutilization of the Trimester 2 quota. During the fishing season states will agree upon changes to the weekly landing limit, as necessary. ASMFC will publish the initial weekly landing limit and adjustments thereafter.

Vessels with a Category A or C Limited Access Permit are limited to one landing per 24-hour period. Harvester vessels must notify states according to state-specific protocol prior to landing. While the start time for the weekly landing limit restriction may vary by state, the states must implement the same landing restriction for the same consecutive days each week.

**3.1.4 Landing Restriction on Transfers At-Sea**

*Option B would likely have significant economic impacts on vessels that operate solely as carrier vessels. The PDT has concerns with the traceability of Option C because carrier vessels do not report catch on its Federal Vessel Trip Reports. Option C would require New Hampshire and Massachusetts to develop a reporting mechanism for harvesters to report transfers at sea and/or develop a carrier permit.*

*This alternative proposes to create “Landing Restriction on Transfers At-Sea” under Section 4.2 of the Atlantic Herring FMP.*

**Option A: Status Quo**

A vessel with the proper permits can transfer or receive Atlantic herring at-sea.

**Option B: Herring Caught In Area 1A Can Only Be Landed by the Respective Harvester Vessel**

The vessel that catches the herring (harvester vessel) is responsible for reporting all catch it as aboard. Harvester vessels are the only vessels that can land herring caught within Area 1A to a Maine, New Hampshire or Massachusetts port. A harvester vessel can only land the amount of herring from Area 1A that is reported on its respective Federal Vessel Trip Report.

**Option C: Herring Carrier Vessels are Limited to Receiving At-Sea Transfers from One Harvester Vessel Per Week**

All carrier vessels landing herring caught in Management Area 1A to a Maine, New Hampshire or Massachusetts port are limited to receiving at-sea transfers from one harvester vessel per week. All carrier vessels landing herring caught in Management Area 1A in any Maine, New Hampshire or Massachusetts port are limited to making one landing per 24 hour period.

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A carrier vessel is a vessel that has received herring from another vessel and will not report that catch as its own on its Federal Vessel Trip Report. A carrier vessel can have no gear on board capable of catching or processing fish and it cannot transport species other than herring or groundfish. A harvester vessel is a vessel that is required to report the catch it has aboard as the harvesting vessel on the Federal Vessel Trip Report.

**3.1.5 Small Mesh Bottom Trawl (SMBT) Fleet Days Out**

*The SMBT fleet harvests less than 1% of the Area 1A sub-ACL—access coincides with the July 15<sup>th</sup> opening of the Small Mesh Exempt Area 1. Due to size and hold capacity, the SMBT fleet can only fish on designated landing days, whereas the midwater trawl and purse seine fleets can fish on non-landing days and retain catch or transfer to a carrier vessel to be landed on a landing day.*

*The SMBT fleet has expressed interest in the ability to target the recreational bait market over the weekend, however early week landing days are preferred by the large volume markets of the overall bait industry. This alternative acknowledges current fishing practices and allows the SMBT fleet to have differential days out measures.*

*PDT notes there is no SMBT permit, therefore, this option requires state to develop a method for SMBT harvesters directing on herring to annual declare into the fishery. It also requires additional monitoring requirements on behalf of state agencies.*

*This alternative proposes to create “Days Out – Small Mesh Bottom Trawl” under Section 4.2.4 Effort Controls in the Atlantic Herring FMP.*

**Option A: Status Quo**

Days Out program applies to all directed-herring vessels.

**Option B: Additional Days Out Program for Small Mesh Bottom Trawl Vessels with a Category C or D Permit**

If a vessel meets the following criteria it is eligible for a different allocation of landing days and times that are separate from restrictions in Section 4.2.4.2 Days Out. A vessel must hold 1) a Category C Limited Access Permit or Category D Open Access Permit, and 2) use small mesh bottom trawl gear to harvest herring. To opt into the differential small mesh bottom trawl Days Out program, eligible harvesters must submit a small mesh bottom trawl gear declaration to notify states of their intent to fish in Area 1A with small mesh bottom trawl gear 45 days prior to the start of the fishing season. The annual gear declaration will apply to Trimester 2. The process to determine the small mesh bottom trawl days out of the fishery is described under Section 4.2.4.1.

All other directed herring harvesters that do not meet this criteria must comply with the landing day restrictions under Section 4.2.4.2 Days Out. If a Category C vessel switches to non-

SMBT gear then that vessel must comply with the landing day restrictions under *Section 4.2.4.2 Days Out*.

### **3.1.6 Clarification of Days Out Procedure**

*The proposed measures clarify existing regulations regarding the process to set the number of days out of the fishery. As stated, states have to agree on the number of days out of the fishery, but the type of agreement is not stated (consensus or vote). In addition, the landing day scenario if an agreement is not reached is not stated in the FMP.*

*Select two options under this alternative (B1 or B2) and (C1, C2 or C3).*

*This alternative proposes to modify “Determination of Days Out” in Section 4.2.4.1 of the Atlantic Herring FMP.*

#### **Option A: Status Quo**

To prevent an early closure of a management area or sub-area, ‘days out’ specifications may be set during the initial meeting between Section members from Maine, New Hampshire, and Massachusetts or can be set at specific ‘days out’ meetings or conference calls as necessary. The states will annually agree to the start date, the number of ‘days out’ of the fishery, as well as which consecutive days of the week will have landing restrictions. While the start time for the landing restriction may vary by state, the states must implement the landing restriction for the same consecutive days each week.

If Section members from Maine, New Hampshire, and Massachusetts cannot agree on the specific ‘days out’, then the matter will go before the full Section for review at the next ASMFC meeting week or at a special meeting of the Section called by the Chairman.

All agreements are final when the meeting is adjourned. Adjustments to ‘days out’ specifications can only be made if states hold another meeting or conference call and agree on the specification changes.

#### **Options B1: Type of Agreement (Voting)**

*Add the following sentences to paragraph 2 under Status Quo.*

States of Maine, New Hampshire and Massachusetts will vote on the parameters of the Days Out program. Each state is entitled to one vote.

#### **Options B2: Type of Agreement (Consensus)**

*Add the following sentence to paragraph 2 under Status Quo.*

The parameters of the Days Out program will be established by consensus of the states of Maine, New Hampshire and Massachusetts.

#### **Options C2: Default Landing Day Scenario - Seven Landing Days**

*Add the following sentences to paragraph 2 under Status Quo.*

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The default landing day scenario until an agreement is reached is the previously agreed upon number of landings days or seven landing days if the number of landing days has not been set for the current fishing season. If the Section acts to close the Area 1A fishery then the allowable landing days are zero.

**Options C3: Default Landing Day Scenario - Zero Landing Days**

*Add the following sentence to paragraph 2 under Status Quo.*

The default landing day scenario until an agreement is reached is zero (0) landing days. If the Section acts to close the Area 1A fishery then the allowable landing days are zero.

**3.2 Alternatives that Were Reviewed by the PDT but Not Developed**

Three management alternatives were reviewed by the PDT, but options were not developed. A regional WG composed of the states of Maine, New Hampshire and Massachusetts was developed to discuss the PDT concerns in this section. The PDT and WG recommend removing the following two management alternatives from Draft Addendum I. The Section may consider the PDT/WG recommendations at the Winter Meeting.

**3.2.1 Restrict a Vessel from Using a Different Gear Type Mid-Season Within Area 1A**

As stated at the Section meeting, a gear declaration would only apply to Trimester 2. The intent is to prevent additional mid-season effort in the fishery as a result of lack of fishing opportunities in other herring management areas. However, this alternative also has the potential to increase the amount of participation in the Area 1A fishery. For example, a midwater trawl vessel that may have formerly fished in Area 3 may declare into the Area 1A fishery as a purse seiner at the start of the fishing season instead of even attempting to fish in Area 3. Therefore, the PDT feels this alternative could have an unintended negative impact on the Area 1A fishery and the lobster bait market. As shown in the white paper (Appendix 6.1), the bait market relies on landings from both Area 1A and 3; the Area 1A sub-ACL alone cannot meet demand.

In addition, the PDT discussed that this alternative reduces current harvester flexibility provided by the federal permit. Such modifications may need to be considered within the federal FMP. Lastly, this alternative would require a state implemented system to track declarations as well as daily landings by gear type, neither of which are developed or in place currently.

**3.2.2 Develop an Area 1A Set-Aside for the Small Mesh Bottom Trawl Fleet**

The PDT discussed the feasibility of establishing a set-aside of the Area 1A sub-ACL outside of the specifications process. Given the small mesh bottom trawl fleet harvests less than 1% of the sub-ACL the PDT did not think such an action was warranted at this time. The PDT recommends ASMFC submit a letter to encourage the Council to consider this action in the next specifications package (2019-2021).



#### 4. Scoping to Potentially Develop Options for a Future Management Document

*The Section proposed a tiered weekly landing limit alternative for Draft Addendum I. The PDT reviewed this alternative and felt the timeline of Draft Addendum I did not provide an adequate amount of time to develop and analyze alternatives to the degree necessary or provide the opportunity for stakeholders to provide feedback to guide initial development of options. The PDT noted that vessels fishing in Area 1A under a Federal Herring Permit have already met certain historical and landings criteria; and that a tiered weekly landing limit has the potential to negate future fishing opportunities for vessels that have been previously instated by the National Marine Fisheries Service and not historically fished in Area 1A. Additionally the PDT expressed concern that a tiered weekly landing limit program based on historical participation for federal permit holders, that does not simultaneously go through the Council process, would not include an economic impact analysis.*

*At the regional WG meeting, Maine DMR proposed to develop a strawman approach to this alternative, but also concluded that stakeholder input would be useful in developing management options. Subsequently a bill has been submitted to the Maine Legislature that proposes to establish a control date for Atlantic herring and to allow for the Commissioner to establish different landing limits for individuals who hold Maine pelagic and anadromous fishing licenses.*

*The following scoping questions could be added to Draft Addendum I if approved by the Section at the Winter meeting. Public comment would be requested at each hearing for Draft Addendum I and reported back to the Section at the May Meeting.*

##### 4.1 Tiered Weekly Landing Limit

The Commission is considering a tiered weekly landing limit management approach for Area 1A. The public is encouraged to submit comments on the scoping questions below to help guide the development of management options if the Section initiates a new addendum or amendment dedicated to this specific issue.

A tiered weekly landing limit would allow vessels to land up to their designated weekly landing limit. Every vessel that declares into the Area 1A fishery would be assigned to a tier with an associated weekly landing limit. A theoretical example: vessels in Tier 1 would be allowed to land X% more than vessels in Tier 2, etc. As described under Alternative 3.1.3, the tiered weekly landing limit would be adjusted based on the available seasonal quota.

##### Scoping Questions

1. Are you favorable to a tiered weekly landing limit in Area 1A?
2. What should form the basis of a tiered system?
  - a. Permit category

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- b. Vessel size
  - c. Harvester's landing history
  - d. Other, please describe.
3. How many tiers should be created?
- a. Two
  - b. Three
  - c. Other
4. If the tiers are based on permit category, which permit category should be included in each tier?
5. If the tiers are based on harvester history, what date(s) should differentiate the tiers? Please provide one or more dates.
6. If the tiers are based on vessel size, what size vessel should be included in each tier?
7. Should each tier be designated a portion of the seasonal quota? If so, what percentage. For example: Tier 1: 60%, Tier 2: 40%
8. Should one or more tiers have a maximum allowable harvest per vessel?
9. Other ideas to consider?

**5. Compliance Schedule**

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

**6. Appendix**

**6.1 Atlantic Herring White Paper**

# **Atlantic States Marine Fisheries Commission**

## **WHITE PAPER ON ATLANTIC HERRING AREA 1A FISHERY PERFORMANCE IN 2015 AND 2016**

Ashton Harp, Atlantic Herring Fishery Management Plan Coordinator

October 2016

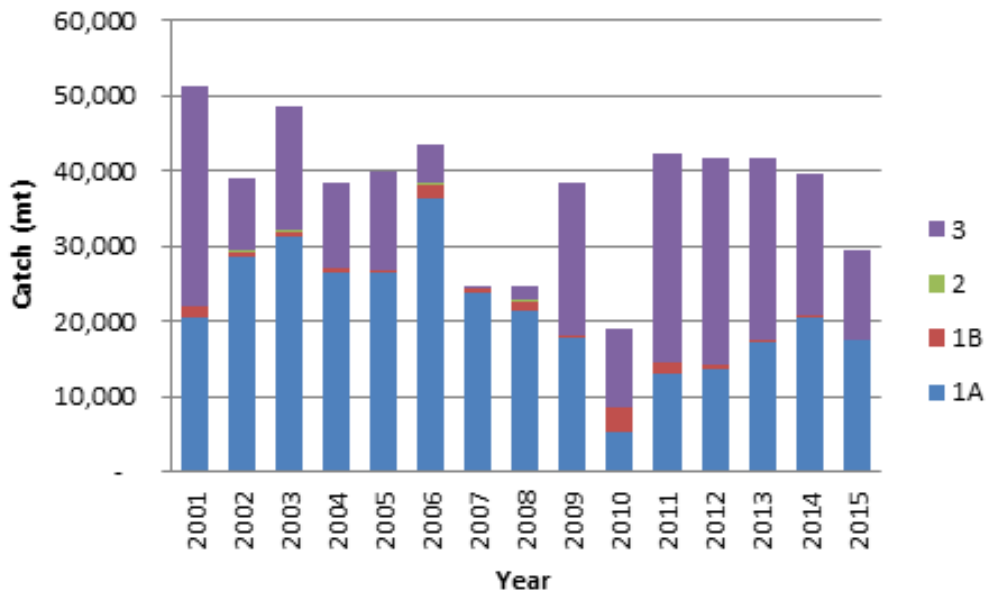
### **I. OVERVIEW**

This white paper provides an overview of Area 1A Atlantic herring management, landings and alternative management tools for consideration by the Atlantic Herring Section when it meets to discuss fishery performance in October 2016. It is being brought forward by a subset of the Section (member states of Maine, New Hampshire and Massachusetts) to elevate to the full Section issues that were identified during recent days out discussions. In particular, the accelerated pace of Area 1A Trimester 2 landings and the increasingly dynamic nature of days out measures to control Trimester 2 effort that have varied across states. The list of identified alternative management tools to address these issues is not a comprehensive list and should be viewed as topics to discuss, not pre-determined pathways.

### **II. INTRODUCTION**

The Atlantic herring summer and early fall fishery (June-September) recently has been most active in Areas 1A and 3 (Figure 1). Demand is primarily driven by lobstermen during this timeframe because herring is the preferred bait for lobster traps. Traditionally, inshore (Area 1A) and offshore (Area 3) herring landings combined with (inshore) effort controls have supplied fishermen and the bait market with adequate amounts of herring. The primary effort controls in Area 1A are landing day restrictions and seasonal quotas.

In 2015 and early in the 2016 fishing season, the Area 1A seasonal quota was harvested at an above-average rate and there were concerns about the availability of Atlantic herring bait throughout the summer and early fall months (June-September). In response, Atlantic Herring Section members from Maine, New Hampshire and Massachusetts reduced the number of landing days available to herring harvesters in Area 1A. In 2016, Maine took additional measures to restrict fishing days, weekly landings, at-sea transfers, etc. to further slow the rate of harvest.



**Figure 1. Harvest by Management Area from June through September, 2001-2015**  
**Source: NMFS**

### III. BACKGROUND

#### DESCRIPTION OF AREA 1A MANAGEMENT

The U.S. Atlantic herring fishery is currently managed through complementary fishery management plans (FMPs) by the Atlantic States Marine Fisheries Commission (ASMFC) and the New England Fishery Management Council (NEFMC). The stockwide annual catch limit (ACL) is divided amongst four distinct management areas: inshore Gulf of Maine (Area 1A), offshore Gulf of Maine (Area 1B), Southern New England/Mid-Atlantic (Area 2), and Georges Bank (Area 3). The Area 1A fishery is managed by ASMFC’s Atlantic Herring Section, which includes representatives from Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York and New Jersey.

The Section can use bi-monthly or trimester seasonal quotas to distribute the Area 1A sub-ACL to best meet the needs of the fishery. The actual splits (amounts or percentages by months or trimesters) are set as part of the annual specifications process. Since 2009 (Addendum I to Amendment 2), the Section has split the Area 1A sub-ACL into trimesters as follows:

**Table 1. Current seasonal quota allocation of the Area 1A sub-ACL**

Trimester 1	January 1 - May 31	0% <sup>1</sup>
Trimester 2	June 1 – September 30	72.8%
Trimester 3	October 1 – December 31	27.2%

<sup>1</sup> NEFMC has proposed a seasonal Area 1A sub-ACL division of 0% from January-May in the 2013-2015 and 2016-2018 specifications.

The Section also utilizes days out of the fishery to slow the rate of Area 1A catch so the seasonal quota can be spread throughout the entirety of each trimester. The phrase 'day out' originally meant one could not fish or land on a day out of the fishery. At present, it refers to a no landing day. Prior to each trimester, Section members from states adjacent to Area 1A (Maine, New Hampshire and Massachusetts), with input from stakeholders, set the number of Area 1A landings days per week via a Days Out Meeting.

At each Days Out Meeting the Atlantic Herring Technical Committee provides projected landing day scenarios based on the catch rates from the previous three years. The states adjacent to Area 1A agree to the start date, the numbers of days out of the fishery per week, as well as which consecutive days of the week a vessel can land Atlantic herring. For example, '4 days out' would be interpreted on a weekly basis, meaning 4 consecutive days out of each week will be no landings days. If states cannot agree on the specific days out then the decision will go before the full Section at the next ASMFC meeting or at a special meeting of the Section called by the Chair. Adjustment to the days out can only be made if states hold another meeting or conference call.

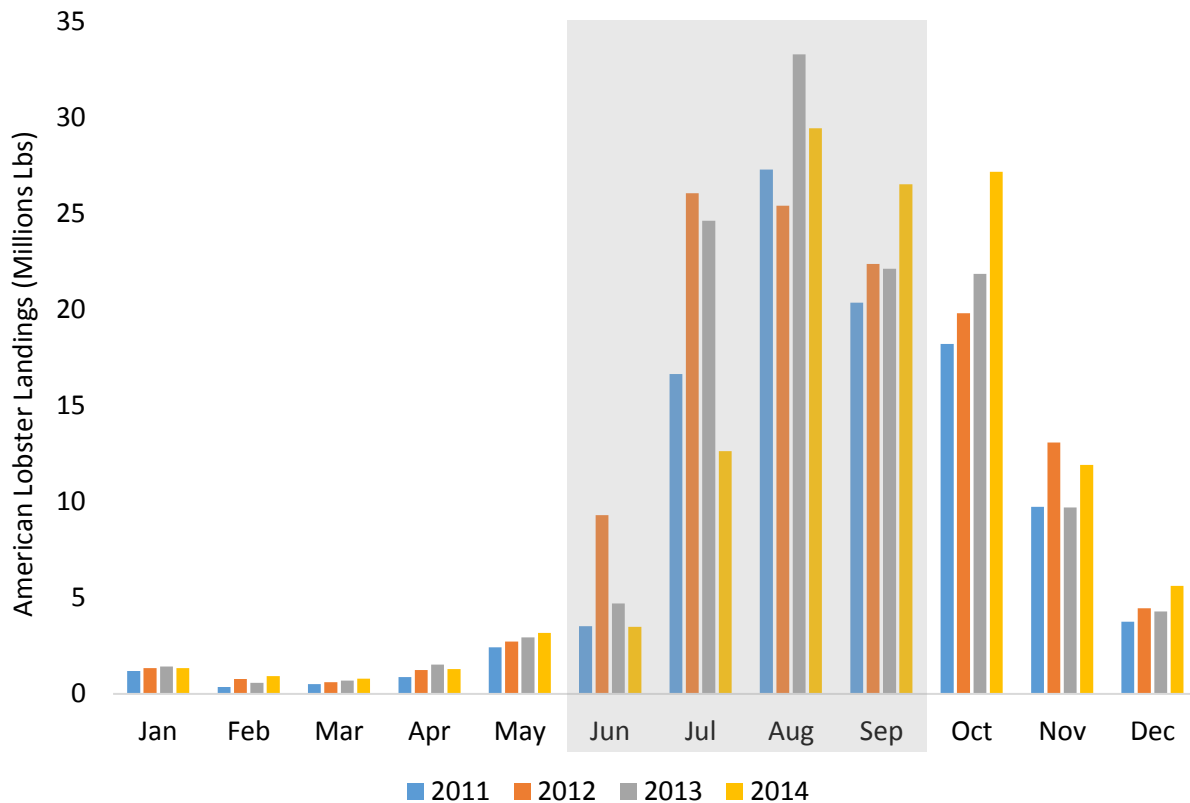
### **HISTORY OF AREA 1A EFFORT CONTROLS**

The days out management measures, first implemented in 1999 via Amendment 1 to the Atlantic Herring FMP, established fixed days out of the fishery relative to harvest levels. It was called a 'day out' because a vessel could not land or fish on the designated days out. For example, Friday, Saturday and Sunday were no landing/fishing days when 75% of the total allowable catch was expected to be exceeded; at 90%, Monday also became a no landing/fishing day. Amendment 2 (2006) removed the fixed landing days and allowed Section members to decide the specific days out of the fishery, as long as they were consecutive days. Consecutive days are seen as more effective because the fishery has to wait a period of time before resuming fishing efforts.

In the 2007 and 2008 fishing years there was a bait shortage due to a reduced Area 1A quota and increased effort including an increase in the number of carrier vessels. The Section took action via Addendum I to Amendment 2 (2009) by creating seasonal quotas (bi-monthly periods or trimesters) to control effort and distribute the quota seasonally. In addition, a process to determine days out of the fishery was established, and the prohibition on fishing during a day out was removed due to jurisdictional concerns from the ASMFC Law Enforcement Committee. These days out measures and seasonal quotas are the primary effort controls in the Area 1A fishery.

### **AREA 1A EFFORT CONTROLS IN PRACTICE**

The majority (72.8%) of the Area 1A sub-ACL has been allocated during the months of June through September (Trimester 2). This time period largely overlaps with the peak months for lobster landings (Figure 2), where herring is the most widely used bait type (Dayton et al 2014).



**Figure 2. Monthly landings of American lobsters in Maine (2011-2014). The months within Trimester 2 of the Atlantic Herring Area 1A fishery are shaded in grey. Source: ACCSP**

Table 2 shows the historical landing days during Trimester 2 of the Area 1A fishery. At the start of the season, managers make planned landing day adjustments based on fishery performance from previous years. At times, managers have to make reactionary changes in-season to increase or decrease the landings days based on the amount of seasonal quota available.

In 2011, 2012 and 2014 managers gradually increased the amount of landing days such that Trimester 2 ended with seven landing days to ensure the seasonal quota was harvested. In 2013, the season opened with seven landing days and was restricted to zero landing days by the beginning of September. In 2015, managers planned to gradually increase the amount of landing days, but instead the fishery was restricted to zero landing days by the end of August. In 2016, the Section planned to gradually increase the number of landing days in June/July, however, higher than expected landings in the latter half of June resulted in landing day restrictions in mid-July and mid-September.

**Table 2. Area 1A Landing Days during Trimester 2 (2011-2016)**

Year	Trimester 2	Landing Days	Comments
2011	June 1 – June 26	2	3 in-season planned changes; 1 reactionary
2011	June 27 – July 17	3	
2011	July 18 – Aug 7	4	
2011	Aug 8 – Sept 30 ( <i>reactionary</i> )	7	
2012	June 1 - 30	2	3 in-season planned changes
2012	July 1 – 14	4	
2012	July 15 – Sept 30	7	
2013	June 1 – Sept 30	7	1 reactionary in-season change
2013	Sept 9 – 30 ( <i>reactionary</i> )	0	
2014	June 1 – July 6	5	1 reactionary in-season change
2014	July 7 – Sept 30 ( <i>reactionary</i> )	7	
2015	June 1- July 5	5	2 in-season planned changes; 1 reactionary
2015	July 6 – Aug 27	7	
2015	Aug 28 – Sept 30 ( <i>reactionary</i> )	0	
2016	June 1 – 30	3	3 in-season planned changes; 2 reactionary
2016	July 1-14	4	
2016	July 15-23	5	
2016	July 24 – Sept 17 ( <i>reactionary</i> )	2	
2016	Sept 18 – Sept 30 ( <i>reactionary</i> )	0	

#### IV. RECENT CONCERNS ABOUT AREA 1A FISHERY PERFORMANCE

##### **2015 FISHING SEASON**

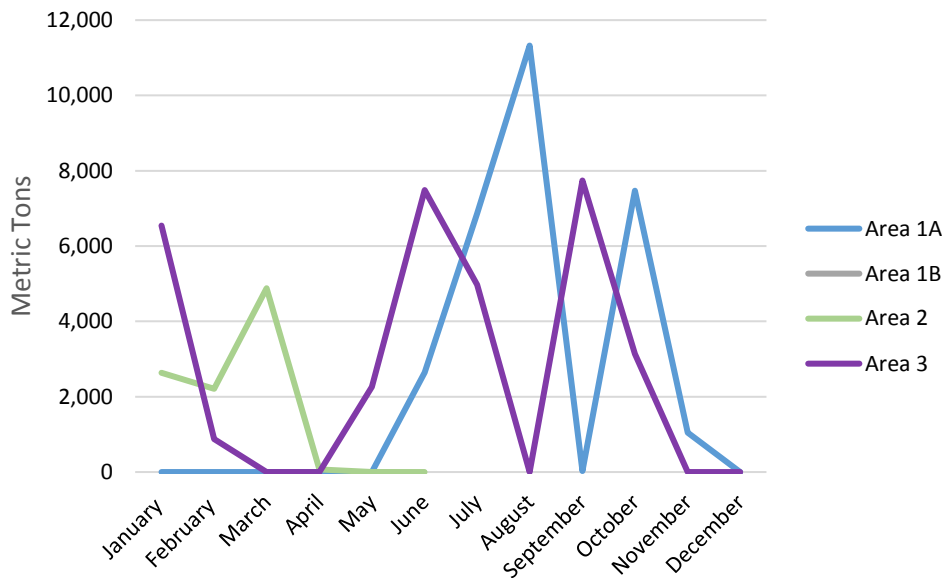
*Concern: In Area 1A the rate of landings accelerated in August such that the seasonal quota was exceeded on August 28; triggering a zero landing day scenario for all of September.*

During June – September, the focal months of the white paper, the source of Atlantic herring landings were from Area 1A and Area 3. Figure 3 provides a monthly overview of Atlantic herring landings in 2015. Figure 4 shows a July/August increase in Area 1A landings as Area 3 landings became stagnant, likely due to Georges Bank haddock catch cap concerns<sup>2</sup>. Based on preliminary haddock data, 63% of the Georges Bank haddock catch cap had been used by the midwater trawl fleet at the end of July (Table 3)—Area 3 landings decreased sharply in August. This lack of Area 3 landings in August disrupted the flow of herring supply to markets and put more pressure on Area 1A.

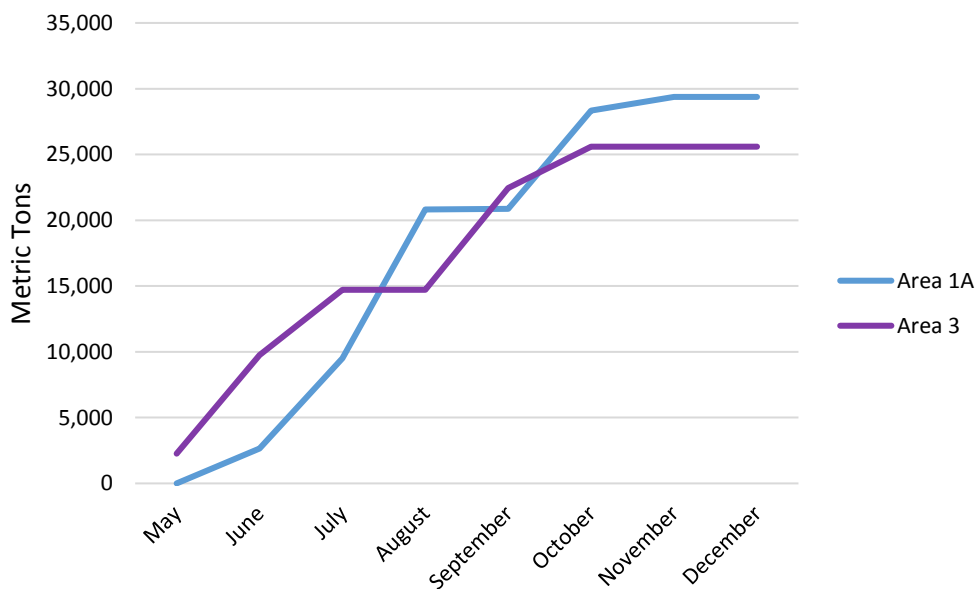
On August 26, the Commission scheduled an emergency days out call to discuss the increase in Area 1A landings. Some harvesters agreed to stop fishing until the next landings report was

<sup>2</sup> Haddock comprises the largest component of groundfish bycatch by midwater trawl vessels directing on herring, and the catch of haddock by these vessels is managed by the New England Fishery Management Council (NEFMC) through a catch cap and increased monitoring/sampling (Amendment 5 to the NEFMC Atlantic Herring FMP).

released. Ultimately, the sudden increase in effort in August could not be diminished by decreasing the number of landing days, rather the Area 1A fishery moved to zero landing days on August 28. As a result, Atlantic herring vessels could not fish in Area 1A during the month of September, when demand for herring is strong. Area 1A re-opened for Trimester 3 on October 5, 2015 with three landing days and closed on November 9, 2015.



**Figure 3. 2015 Monthly Atlantic Herring Landings by Management Area**  
 Source: NMFS. This is preliminary landings data, confidential data has been omitted



**Figure 4. Cumulative Atlantic Herring Landings from May through December in 2015**  
 Source: NMFS. This is preliminary landings data, confidential data has been omitted



**Table 3. Georges Bank Haddock Catch by Herring Midwater Trawl Vessels, May 2015 – August 2016. Source: NMFS, preliminary data**

	Month	Monthly Estimated Haddock Catch (mt)	Cumulative Estimated Haddock Catch (mt)	Cumulative Percent of Quota
<b>FY2015</b>	May	43.09	43.09	18.98%
	June	54.51	97.59	42.99%
	July	45.7	143.29	63.12%
	August	0.25	143.54	63.23%
	September	66.32	209.87	92.45%
	October	25.68	235.54	103.76%
	November	0	235.54	103.76%
	December	0	235.54	103.76%
	January	0	235.54	103.76%
	February	0	235.54	103.76%
	March	0	235.54	103.76%
	April	0	235.54	103.76%
<b>FY2016</b>	May	23.6	23.6	4.50%
	June	3	26.6	5.10%
	July	0.1	26.7	5.10%
	August	0.8	27.5	5.30%

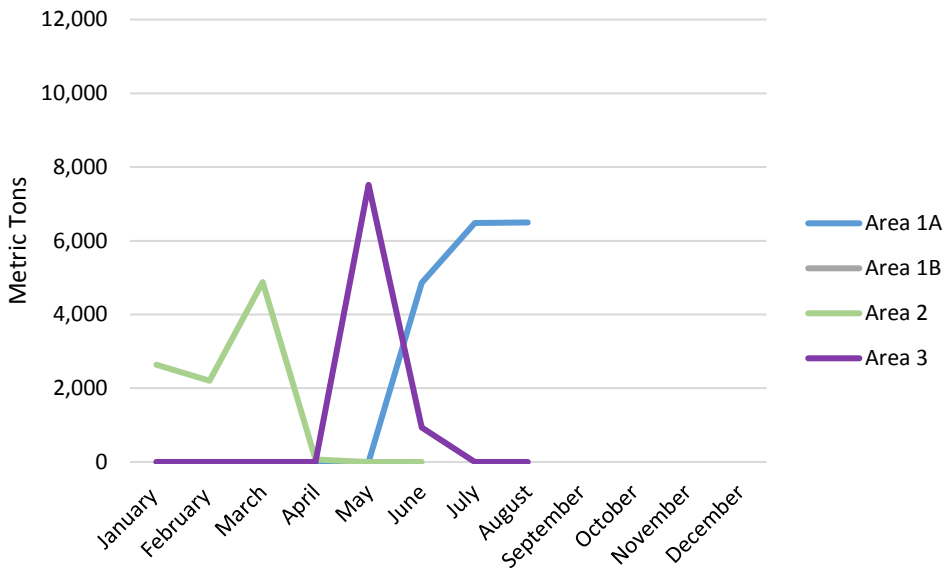
### **2016 FISHING SEASON**

*Concern: Above-average landings at the start of the season, and thereafter, led to emergency restrictions for vessels landing in Maine (on behalf of Maine DMR), which were more restrictive than those of the Commission.*

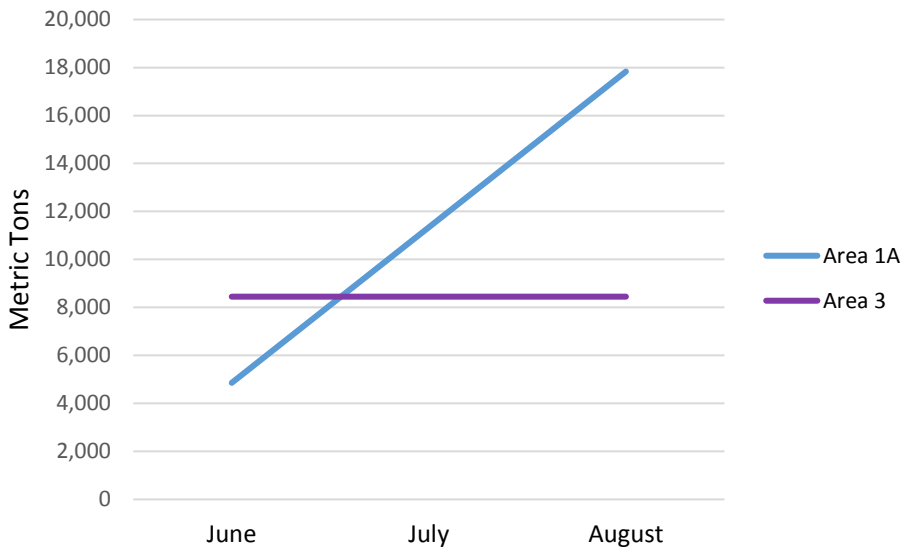
The 2016 Area 1A Atlantic herring fishing season opened in June to almost double the projected landings. For example, three weeks into June the fishery was projected to have harvested 1,300 mt, however 2,837 mt<sup>3</sup> had been harvested. Figure 5 provides a monthly overview of Atlantic herring landings in 2016. During June – August, the primary source of Atlantic herring landings was from Area 1A. Similar to 2015 but earlier in the season, Area 3 landings became stagnant and Area 1A landings increased (Figure 6). Area 3 herring fishermen reported finding some Atlantic herring schools, but in deep waters and intermixed with haddock schools. Utilizing the more than half of the Georges Bank haddock catch cap (Table 3) so early in the 2015 fishing season prompted a small number of midwater trawl vessels to shift effort to Area 1A to operate as purse seiners<sup>4</sup>.

<sup>3</sup> Preliminary landings data

<sup>4</sup> In 2007, federal regulations prohibited midwater trawlers from fishing in Area 1A from June 1-September 30.



**Figure 5. 2016 Monthly Atlantic Herring Landings by Management Area**  
**Source: NMFS. This is preliminary landings data, confidential data has been omitted**



**Figure 6. Cumulative Atlantic Herring Landings from June through August in 2016**  
**Source: NMFS. This is preliminary landings data, confidential data has been omitted**

Adding to the increased effort in Area 1A were the effects from other fisheries, specifically the New Jersey menhaden purse seine fishery closed on June 25, 2016 which reportedly prompted a southern vessel to re-locate to Massachusetts to harvest Atlantic herring.

In an attempt to extend the Trimester 2 quota into September, Maine’s Department of Marine Resources (DMR) implemented a series of emergency rules that were more restrictive than ASMFC regulations (states can implement measures that are more restrictive than that of the

Commission, but not less so). DMR’s measures only applied to vessels landing in Maine. The final measures, effective July 9, 2016, included:

1. Weekly landing limit of 600,000 pounds (15 trucks) per vessel
2. 3 consecutive fishing days
3. 2 consecutive landing days
4. Harvester vessels are limited to making one landing per 24-hour period
5. Harvester vessels are limited to making at-sea transfers to only one carrier per week.
6. All carrier vessels landing herring are limited to receiving at-sea transfers from one vessels per week.

A days out call was scheduled on July 20 to discuss the current landing day scenario and Maine’s emergency rules. The states of Maine, New Hampshire and Massachusetts agreed to decrease the landing days from five to two days per week, but did not adopt the rest of the restrictions. Maine DMR kept the emergency restrictions in place throughout Trimester 2. The Area 1A fishery moved to zero landing days on September 18, 2016.

#### V. MANAGEMENT ALTERNATIVES

The following alternative management measures, which seek to acknowledge current fishing practices and provide equitable fishing opportunities for all fishermen and regions, have been suggested by Commissioners for Section consideration and discussion. They are grouped by the complexity of the action(s), specifically whether it would require an amendment, addendum or specification adjustment (Table 4). Individual action(s) can be selected or modified for future inclusion in a draft management document if agreed upon by the Section.

**Table 4. Management document associated with management alternatives**

Potential Action	Addendum	Amendment	Specifications	Requires complementary action by NMFS
Landing days do not have to be consecutive	X			
Small Mesh Bottom Trawl Days Out	X			
Restrict fishing days	X			X - maybe
Weekly landing limit and restrict transfers at sea	X			
Clarify Days Out procedure	X			
Restrict vessels from midseason gear changes	X			X
SMBT set-aside	X			X

Modify in-season allocation			X	
Small Mesh Bottom Trawl sub-ACL		X		X

The following management action could be adjusted under annual specifications at the Annual Meeting. This is the only adjustment that would impact the 2017 fishing season. The other options require multiple Section meetings to review and possibly approve.

1. *Modify the Area 1A in-season allocation.*
  - Traditionally the Section has opted to separate the Area 1A sub-ACL into trimesters (Table 1). Amendment 2 included other trimester and bi-monthly quota allocations to consider (Table 5a and 5b). Alternative allocations would be designated in the annual specifications. A bi-monthly quota allocation would require significant increased Technical Committee effort to track. Changing when the quota can be taken may not address the increase in effort that carrier vessels provide to smaller vessels.

**Table 5a. Bi-monthly quota percent allocations. Percentages were calculated using vessel trip reports from 2000 – 2007**

Bi-Monthly Quotas								
January – December			No Landings Prior to June 1 (with June as a one-month period)			No Landings Prior to June 1 (with December as a one-month period)		
Period	Months	%	Period	Months	%	Period	Months	%
1	Jan/Feb	1.5%	1	June	16.4%	1	June/July	36.8%
2	Mar/Apr	2.3%	2	July/Aug	40.1%	2	Aug/Sep	36.0%
3	May/June	24.0%	3	Sep/Oct	34.0%	3	Oct/Nov	27.1%
4	July/Aug	34.6%	4	Nov/Dec	9.5%	4	Dec	0.2%
5	Sep/Oct	29.4%						
6	Nov/Dec	8.2%						

**Table 5b. Trimester and seasonal quota percent allocations. Percentages were calculated using vessel trip reports from 2000 – 2007**

Trimesters			Seasonal Quotas					
January – December			January - December			No Landings Prior to June 1		
Trimester	Months	%	Season	Months	%	Season	Season	%
1	Jan - May	13.7%	1	Jan - Sep	76.5%	1	Jun - Sep	72.8%

2	Jun - Sept	62.8%	2	Oct - Dec	23.5%	2	Oct - Dec	27.2%
3	Oct - Dec	23.5%						

The following management measures would need to be considered through the addendum process and, in some cases, require a complementary effort by the National Marine Fisheries Service (NMFS). If Draft Addendum I to Amendment 3 is initiated at the Annual Meeting the management measure(s) may be implemented prior to the 2018 Area 1A fishing season (Table 6).

1. *Modify the Days Out program such that landing days are no longer consecutive days.*
  - Consecutive days out of the fishery has been deemed more effective because the fishery has to wait a longer period of time in between landing days. The Days Out program has always incorporated the use of consecutive landing days, typically starting on Sunday/Monday. However, landing days could be dispersed through the week to accommodate various needs within the fishery. For example, in Maine herring is landed on Sunday evening so it is ready for the bait market on Monday. In New Hampshire fishermen prefer to harvest herring on Friday when the whiting (silver hake) market is not active. In this scenario, states want non-consecutive landing days which may include a Sunday/Monday landing day and a Friday landing day, but not a Saturday landing day due to worker related overtime costs.
2. *Modify the Days Out program such that the small-mesh bottom trawl fleet (SMBT) could have a different allocation of landings days and times that are separate from the purse seine and mid-water trawl fleet landing days. This measure was previously considered in Addendum III to Amendment 2 but was not adopted.*
  - Currently SMBT vessels follow the same landing days as the rest of the fishery. However, SMBT vessels land about 1% of the herring taken in Area 1A, therefore, limiting these vessels does very little in terms of spreading out the catch. A small day boat that uses SMBT gear does not have the ability to fish prior to a landing day like other gears, they fish and land on the same day. The option would allow SMBT fleet to harvest herring on days that are closed to landing for purse seine and mid-water trawl fleets. If this option were adopted there could be a scenario where purse seine and midwater trawl vessels were limited to 3 landing days and SMBT vessels were allowed 5 to 7 landing days. Some herring vessels use multiple gear types during the fishing year so there is potential for a vessel to switch to SMBT to have more landing days, this could be restricted if it applied to SMBT vessels with a C or D permit.
3. *Modify the Days Out program to restrict fishing days, in addition to landing days.*
  - A restriction on fishing days was included in the original Days Out program, but removed via Amendment 2 because the Law Enforcement Committee (LEC) said they could not effectively enforce the provision. As stated in a 2009 LEC memo, the vast majority of fishing takes place in federal waters where state officers have no authority to enforce ASMFC regulations. If NMFS adopted the Days Out

provisions then the states would be able to enforce the provisions through a Joint Enforcement Agreement. This regulation would then need to be adopted by all states in order to be effective.

4. *Modify the Days Out program to create a weekly landing limit (pounds & trucks). In addition, harvester vessels are limited to making at-sea transfers to only one carrier per week. All carrier vessels landing herring are limited to receiving at-sea transfers from one vessel per week.*
  - Currently the Days Out program is specific to landing day restrictions. The increase in the number of carrier vessels has rendered days out less effective in controlling effort because vessels can transfer catch to large carrier vessels at-sea, allowing harvesters additional days of fishing beyond the days that are open to landings. The state of Maine implemented a 600,000 pound weekly landing limit in 2016 and restricted at-sea transfers. This measure may be more difficult to implement if a state does not have its own monitoring system or access to VMS reports.
5. *Clarify what it means for states to “agree” on the numbers of days out in the fishery, does this mean consensus or vote? If states cannot agree then what is the default landing day scenario, 7 landing days?*
  - As stated in the Days Out procedural language, if Section members from Maine, New Hampshire, and Massachusetts cannot agree on the specific ‘days out’, then the matter will go before the full Section for review at the next ASMFC meeting week or at a special meeting of the Section called by the Chairman. States have been selecting landing days by voting. Default landing days are currently interpreted as seven landing days if no decision is made.
6. *Restrict a vessel from operating a vessel using a different gear mid-season in Area 1A.*
  - At the start of the fishing season a vessel would have to designate their Area 1A gear type and switching mid-season would not be allowed. ASMFC and NMFS would have to adopt similar regulations for this to be enforceable.
7. *Set-aside a percentage or value of the Area 1A sub-ACL for the SMBT. This measure was previously considered in Addendum III to Amendment 2 but was not adopted.*
  - A research set-aside (3%) and a fixed-gear set-aside (295 metric tons) are deducted annual from the Area 1A sub-ACL. If approved by ASMFC and NMFS, a SMBT set-aside would be in addition. Weekly reporting would be necessary to effectively monitor a SMBT set-aside. Federal IVR is an existing reporting system that could be used to monitor SMBT landings weekly, but IVR reports do not include gear type. In order to successfully manage a SMBT set-aside, the NMFS would need to adjust IVR reporting requirements to include gear type, including mesh size. If a vessel with a limited access permit switches to SMBT then VMS monitoring reporting is required. During Area 1A Trimester 2, SMBT vessels have landed less than 100 MT since at least 2013. This measure may be more difficult if a state does not have its own monitoring system. In addition, it is different than a fixed gear set aside because SMBT vessels can easily switch to operate as a midwater trawl vessel.

**Table 6. Draft timeline if an addendum is initiated at the Annual Meeting**

<b>October 2016</b>	Atlantic Herring Section initiates Addendum I to Amendment 3
<b>May 2017</b>	Section reviews Draft Addendum I and considers its approval for public comment
<b>May–July 2017</b>	Section solicits public comment and states conduct public hearings
<b>August 2017</b>	Section reviews public comment, selects management options and considers final approval of Addendum I
<b>May 2018</b>	Provisions of Addendum I are implemented by states

*The following management measures would need to be considered the amendment process and would require joint cooperation with NMFS. If Draft Amendment 4 is initiated at the Annual Meeting, the management measures could be implemented prior to the 2019 Area 1A fishing season. A draft Public Information Document would be presented at the May 2017 meeting.*

1. *Allocate a sub-ACL for the small-mesh bottom trawl fleet.*
  - Currently there are four management areas for Atlantic herring with respective sub-ACLs. If approved by ASMFC and NMFS this would create a 5th sub-ACL for the SMBT fleet. Weekly reporting would be necessary to effectively monitor a SMBT sub-ACL. Federal IVR is an existing reporting system for open access permits that could be used to monitor SMBT landings weekly, but IVR reports do not include gear type. In order to successfully manage a SMBT sub-ACL, the NMFS would need to adjust IVR reporting requirements to include gear type, including mesh size. If a vessel with a limited access permit switches to SMBT than VMS monitoring reporting is required. During Area 1A Trimester 2, SMBT vessels have landed less than 100 MT since at least 2013.

## **VI. LITERATURE CITED**

- Dayton A, Sun JC & Larabee J. (2014). Understanding Opportunities and Barriers to Profitability in the New England Lobster Industry. Portland, ME: Gulf of Maine Research Institute. 15-16 p.
- NEFMC. (2012). Final Amendment 5 to the Atlantic Herring Fishery Management Plan, Incorporating the Environmental Impact Statement. Vol. I and II. Newburyport, MA: M New England Fishery Management Council in consultation with the ASMFC, and NMFS.

# F/V Ocean Spray Partnership

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PROVIDIAN



January 24, 2017

Atlantic States Fishery Commission  
1050 N. Highland St. Suite A-N  
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Dear Commissioners,

I am writing to provide comments on behalf of the F/V Providian on the Draft Addendum 1 to Amendment 3 to Interstate Fishery Management Plan for Atlantic Herring. The F/V Providian, owned and operated by the Raber Family, fishes for Atlantic Herring throughout the range of the fishery using both midwater trawl and purse seine gear.

The F/V Providian lands herring for the lobster bait markets in Maine, New Hampshire and Massachusetts.

In general, we support the idea of managing the landing in 1a to extend the quota throughout the bulk of the Lobster season. The unpredictability of the Haddock by-catch will likely limit access to fishing in Area's other than 1a, as a result, a majority of the lobster bait supplied to New England will have to come from 1a. Therefore, the limited quota in 1a must be managed in order to have fresh bait throughout the bulk of the lobster season. Although we believe this type of management should be executed on the federal level, there is no way NOAA could act for the 2017 season. This leaves it up to us to attempt to manage the landings through ASMFC.

### **3.1 Harvester Reporting Requirements**

There is no reason to add additional reporting burden to vessels. Maine has been working with NOAA to use VMS data. We believe Maine and the other States should continue to work with NOAA to use VMS data. However, we will be happy to comply with any new reporting requirements in order to add fishery managers' better tools to manage quota.

### **3.2 Prohibit Landings of Herring Caught in Area 1A During a day out of Fishery**

We believe the landing laws should be uniform across the states and match the rules Maine DMR implemented in 2016. Fishing and landing should be prohibited on "days out". Vessels should be allowed to possess fish transiting the through provided the fish is legally caught in other areas. It is necessary to give fishery managers the tools to effectively slow the fishery down.





### **3.3 Weekly Landing Limit per Vessel**

It will not be an easy task to come up with a management plan that will make the quota last for a bulk of the lobster season and not destroy the stakeholder's investments in the bait businesses that support the lobster industry. All we ask is the F/V Providian is treated on the same level as the other 5 seiners that have a 2016 history in 1a if a tiered system is implemented. We have all invested a considerable sum of money to supply steady bait to the lobster industry. We and other current stakeholders have invested in:

- Processing infrastructure – salt machines, water pumps, wharf space, xactics, barrels, etc.
- Transportation infrastructure – trucks, trailers, garage, equipment storage, mechanics etc.
- Boats – harvester, seine skiff
- Berth/Wharf space – de-watering tank, vehicle parking
- Cold storage – to maintain a steady supply
- Nets and Gear – multiple nets for varying conditions

Inequities in the allocation to historical stakeholders' will significantly hamper our ability to utilize our investments and provide payback to the long-term infrastructure. There are clearly 6 boats that landed over 1 million pounds last year from 1a trimester 2 and have current and long-term involvement in the industry. The existing stakeholders have responsibly gone to weekly landing limits in an effort to extend the quota as long as possible under extremely difficult circumstances. As a result, others have seen an avenue to capitalize on our responsible actions with very little investment. If new participants must be allowed access, then we feel they should be limited to a traditional lobster boat landings. New participants should be capped at 20,000lbs, restricted by days out and not be allowed to transfer at sea. This would allow access lobstermen access to herring for their own bait needs.

### **3.5 Landing Restriction on Transfers at Sea**

We believe that each of the six top-tiered seiners should be allowed to designated one specific carrier. Herring caught in Area 1a by top-tiered seiners should only be transferred at sea to other top-tiered seiners and/or their designated carrier. This will allow current carrier vessels to supply their remote island markets while limiting transfers to a manageably amount for law enforcement. The use of designated carriers and transfers will limit discards and increase efficiency across the fleet.

We support giving fishery managers the proper tools to effectively manage the quota in Area 1a. With Harvester and mangers working together, we can successfully manage the 1a quota. Hopefully, ASMFC can come up a management system that helps the lobster industry without ruining the livelihood of the families that have depended on herring for years.

Sincerely,

Ryan Raber





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