

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

The Westin
Annapolis, Maryland
Hybrid Meeting

October 21, 2024

Approved May 5, 2025

TABLE OF CONTENTS

Call To Order, Chair Doug Grout.....	1
Approval Of Proceedings	1
Public Comment	1
Set Specifications For The 2025-2027 Fishing Years	1
Set Quota Period For The 2025 Area 1a Fishery	4
Other Business.....	6
Adjournment	6

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of August 2024** by consent (Page 1).
3. **Motions**
Move to adopt the following specifications for the 2025-2027 fishing years for Atlantic herring as recommended by the New England Fishery Management Council, contingent on the final rule being published by NOAA Fisheries:

For 2025
Annual Catch Limit (ACL) / Domestic Annual Harvest = 2,710 mt
Area 1A Sub-ACL = 783 mt
Area 1B Sub-ACL = 117 mt
Area 2 Sub-ACL = 753 mt
Area 3 Sub-ACL = 1,057 mt

For 2026 and 2027
Annual Catch Limit (ACL) / Domestic Annual Harvest = 6,854 mt
Area 1A Sub-ACL = 1,981 mt
Area 1B Sub-ACL = 295 mt
Area 2 Sub-ACL = 1,905 mt
Area 3 Sub-ACL = 2,673 mt
For all three years
Border Transfer = 0 mt each year
Fixed Gear Set-Aside = 30 mt each year
Research Set-Aside as a Percentage of Sub-ACLs = 0% each year (Page 3).
Motion made by Cheri Patterson; second by Emerson Hasbrouck. Motion passes (7 in favor, 1 opposed). Roll Call: In favor – ME, NH, MA, RI, NY, NJ, NOAA Fisheries; Opposed – CT (Page 4).
4. **Move to implement seasonal distribution of quota for the 2025 Area 1A sub-ACL with 72.8% available from June through September and 27.2% allocated from October through December, with no landings prior to June 1, and for underages to be rolled over into the next quota period. The fishery will close when 92% of the seasonal period's quota has been projected to be harvested (Page 5). Motion made by Cheri Patterson, second by Jeff Kaelin. Motion carries with one abstention (NOAA Fisheries) (Page 6).**
5. **Move to adjourn** by consent (Page 6).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for Pat Keliher (AA)	David Borden, RI (GA)
Rep. Allison Hepler, ME (LA)	Matt Gates, CT, proxy for Justin Davis (AA)
Steve Train, ME (GA)	Rep. Joseph Gresko (CT) (LA)
Cheri Patterson, NH (AA)	Robert LaFrance, CT, proxy for Bill Hyatt (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John Maniscalco, NY, proxy for Marty Gary (AA)
Doug Grout, NH (GA)	Jim Gilmore, NY, proxy for Assy. Thiele (LA)
Melanie Griffin, MA, proxy for D. McKiernan (AA)	Emerson Hasbrouck, NY (GA)
Rep. Jennifer Armini, MA (LA)	Joe Cimino, NJ (AA)
Ray Kane, MA (GA)	Jeff Kaelin, NJ (GA)
Nicole Lengyel Costa, RI, proxy for J.McNamee (AA)	Allison Murphy, NMFS

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

Ex-Officio Members

Delayne Brown, Law Enforcement Committee Rep.

Staff

Bob Beal	Caitlin Starks	Katie Drew
Toni Kerns	Jeff Kipp	Jainita Patel
Tina Berger	Tracy Bauer	Chelsea Tuohy
Madeline Musante	James Boyle	Emilie Franke

The Atlantic Herring Management Board of the Atlantic States Marine Fisheries Commission convened in the Capitol Ballroom via hybrid meeting, in-person, and webinar; Monday, October 21, 2024, and was called to order at 9:00 a.m. by Chair Douglas E. Grout.

CALL TO ORDER

CHAIR DOUGLAS E. GROUT: Good morning if everybody could take their seats. This is a meeting of the Atlantic Herring Management Board. My name is Doug Grout; I'll be your Chair for the next two years. I'll try and make this a very efficient meeting. Hopefully, we'll all be cooperative.

Our main goals here are to consider setting the specifications for this year, and then also setting the quota period for 2025 for Area 1A. In your meeting materials there is an Agenda. I would like to see if there are any additions, or subtractions or any comments on the agenda. Megan.

MS. MEGAN WARE: I just wanted to have one thing under Other Business, really quick.

CHAIR GROUT: Anybody else? Seeing none; we'll consider the agenda approved by unanimous consent.

APPROVAL OF PROCEEDINGS

CHAIR GROUT: Also in your meeting materials are the Proceedings from the August, 2024 meetings, are there any edits or comments or adjustments that you would like to make to those? Seeing none; we will consider those approved by unanimous consent.

PUBLIC COMMENT

The next item on our agenda is Public Comment. These are for comments that are on items that are not on the agenda. Is there anybody in the public that would like to make a comment right now, please raise your hand? Seeing none; is there anybody online? Okay,

we'll now move on to setting the specifications for 2025 to 2027 fishing years. Emilie.

SET SPECIFICATIONS FOR THE 2025-2027 FISHING YEARS

MS. EMILIE FRANKE: I will provide an overview of the specifications process for 2025 through 2027. In September, just last month, the New England Fishery Management Council took final action on a specifications package for fishing years 2025 through 2027, to be submitted to NOAA Fisheries.

Overall, the specifications, particularly for 2025 are very low, and the 2025 Annual Catch Limit would be the lowest in the history of the FMP. These specifications are based on the 2024 management track assessment, and also use the Council's ABC Control Rule for Atlantic herring. Just a couple of summary points from the assessment. As a reminder, the assessment indicated the stock is overfished, but overfishing is not occurring. However, there is a high possibility of overfishing if the full 2024 ABC is utilized. The assessment also noted that recruitment for Atlantic herring remains very low, and Atlantic herring is under a rebuilding plan, and the most recent projections indicate the stock will be rebuilt by 2031. In addition to the typical specifications package, the Council also put forward two requests to NOAA Fisheries. First, the Council requested an in-season adjustment to reduce the default 2025 specifications down to the new revised specifications for 2025.

As a reminder, those default 2025 specifications were put in place a couple of years ago, as part of the 2023 through 2025 specs package. Those are still in place until the new specifications are implemented. Since the 2025 revised specifications are much lower, the Council is concerned that if the revised specifications aren't implemented by January 1, then the fishery could run the risk of catching the entire annual catch limit before those new specs are implemented.

Again, so the Council is asking NOAA Fisheries for that in-season adjustment to get those 2025 revised specs in place more quickly. Then the second

request to NOAA Fisheries from the Council was a request to nullify the quota carryover from 2023 to 2025. In 2023 there were underages in two areas, 1B and 2, so up to 10 percent of those sub-ACLs could be carried over into 2025.

However, the Council is concerned about the magnitude of those carryover amounts relative to the very low quotas for 2025. The next two slides show the specifications selected by the Council, which were also in your meeting materials. You can see for 2025 the Annual Catch Limit is quite low.

There is a slight increase in 2026 and 2027, but overall, quite low. Just as a reminder, for the management uncertainty buffer. If the Canadian New Brunswick weir fishery catch is less than the specified trigger level, then 1,000 metric tons from that management uncertainty buffer can be reallocated to Area 1A.

That evaluation of whether or not that thousand metric tons can be reallocated typically happens around October every year. Then this slide shows the sub-ACLs for each management area. Again, you can see 2025 is quite low. For example, Area 1A would be 783 metric tons, slight increase in '26 and '27, but again, overall, quite low.

Then finally, the Council agreed to maintain the same current river herring and shad catch caps for the specification package, and the current catch caps have been in place for the past few specification cycles. Just to finish up, just summarizing some of the discussion from the Council meeting last month.

The Council noted concern about the magnitude of the reduction for 2025, and the associated social and economic impacts. Again, the new 2025 ACL would be the lowest in the FMP history, and the Council noted that these new catch limits would not support a directed commercial fishery. Happy to take any questions. Just as a reminder, the Board is

considering today setting these specifications, contingent on a Rule being published by NOAA.

CHAIR GROUT: Any questions for Emilie? Dave Borden.

MR. DAVID V. BORDEN: I'm not sure this is a question for Emilie, or one of the New England Council members present. Having served on the Council for a long period of time, I'm kind of tuned in to the issue of U.S./Canada. Now are the Canadians restraining their catch in a similar manner, and then the related question is, if they catch more than has been projected, what are the consequences for U.S. fishermen? If someone could answer that, that would be great, and if not, I'll seek guidance elsewhere.

MS. FRANKE: I'll see if anyone else can answer that. We have Council staff online, so Jamie has her hand up.

CHAIR GROUT: Go ahead, Jamie.

MS. JAMIE M. COURNAME: Good morning, everyone, this is Jamie Cournane, lead Council staff for herring for the New England Fishery Management Council. The herring fishery in Canada in the fixed gear fishery is managed by effort controls, and that portion of the fishery does not have a quota-based system. We are in close coordination with them through GARFO, to understand through the year what catch looks like. They do provide information annually on what is going on in their fishery.

The second question, what happens if the amount that we've set aside as an uncertainty buffer is exceeded? In future years when we update this work, what we've been doing so far is taking a ten-year average of recent Canadian catches. Some years it's high, some years it's low. As long as it stays within the average of the ten years, there is probably no short-term impact, but if that started to trend up the Council would need to take a closer look on how that management uncertainty buffer is set, to avoid the risk of overfishing.

CHAIR GROUT: Any other questions for Emilie? Rob LaFrance.

MR. ROBERT LaFRANCE: It's not really a question, it's more of a comment. It goes to the specifications having to do with the catch caps. These catch caps, I think you said had been in place for some time. Southern New England, at least Connecticut in particular, is having difficulty with our rebuilding some of our river herring.

We're concerned, I would say we're very seriously concerned, not about all of the work that is happening with regard to this particular species of Atlantic herring, but we are concerned that we're not getting the kind of improvement with all of the habitat restoration that we've done in those areas. It is something that as a concern for that I'll be flagging today as probably a no vote on this whole package, because of the fact that we feel that more needs to be done.

I appreciate, I see Sherry here and other folks who are working on this at the New England Council area, and I appreciate the hard work that is happening there. This is really just something we want to make certain we kind of try to address in the future. How are we going to deal with the bycatch issue? I recognize it's complicated, but that is what I wanted to put on the record. Thank you.

CHAIR GROUT: Thank you. Any other questions? Yes, Jeff Kaelin.

MR. JEFF KAELIN: I don't really have a question, but yes, I think we need to keep in mind the directed fishery is going to be around 2,000 tons coastwide, and that is why the Council decided to leave the catch caps where they are. I mean it's no threat to the rivers of Connecticut or anywhere else. There is no fishery, it's a bycatch fishery. I had to respond because of that last comment, thank you. That is why the Council did not take action and change the caps.

CHAIR GROUT: Anybody else with questions for Emilie? Jamie.

MS. COURNANE: To understand why the Council decided to do the status quo on river herring, shad catch caps is a little bit informed by the fact that we are undertaking an amendment, Amendment 10, and in that action the Council is exploring two things. Right now, adjustments to the current catch cap approach, as well as the possibility of primary closures. Because that amendment allows for a more holistic look at bycatch management and incidental catch management, the Council decided to keep the catch cap status quo for now, but is still exploring that towards Amendment 10.

CHAIR GROUT: Ray Kane.

MR. RAYMOND W. KANE: Thank you, Jamie, for your explanation on where the Council stands.

CHAIR GROUT: Any other questions for Emilie? Emerson.

MR. EMERSON C. HASBROUCK: I don't have a question, but I don't see anybody else with their hand up for a question, so do you need a motion to move us forward here?

CHAIR GROUT: Yes, we do. Cheri.

MS. CHERI PATTERSON: I had already had that all planned, Emerson.

MR. HASBROUCK: Do you want to make the motion then, Cheri?

MS. PATTERSON: Yes, I can make the motion if you want to second it.

MR. HASBROUCK: Sure, go ahead.

MS. PATTERSON: I would like **to move to adopt the following specifications for the 2025 through 2027 fishing years for Atlantic herring as recommended by the New England Fisheries Management Council, contingent on the Final Rule being published by NOAA Fisheries. For 2025, the annual**

catch limit, domestic annual harvest equals 2,710 metric tons, Area 1A sub-ACLs 783 metric tons, Area 1B sub-ACL 117 metric tons, Area 2 sub-ACL 753 metric tons, Area 3 sub-ACL 1,057 metric tons.

For 2026 and 2027, the ACL domestic annual harvest would equal 6,854 metric tons. Area 1A sub-ACL 1,981 metric tons, Area 1B sub-ACL 295 metric tons, Area 2 sub-ACL 1,905 metric tons. Area 3 sub-ACL at 2,673 metric tons. For all three years of border transfer would be 0 metric tons each year, the fixed gear set aside 30 metric tons each year, the research set aside as a percentage of sub-ACLs would be 0 percent each year.

CHAIR GROUT: Seconded by Emerson.

MR. HASBROUCK: Yes.

CHAIR GROUT: Cheri, would you like to provide justification for this?

MS. PATTERSON: This justification would be, being aligned with the New England Fisheries Management Council.

CHAIR GROUT: Emerson, do you have any comments you would like to provide?

MR. HASBROUCK: No, I don't have anything else to add.

CHAIR GROUT: Discussion on this motion. Bob LaFrance.

MR. LaFRANCE: Just to reiterate, I also understand that Amendment 10 is in fact in place, I think it's really good work, but I think I'll still be a no vote.

CHAIR GROUT: Any other discussion? Seeing none; is there any objection to this motion? All right then we need a vote on this, because this is a final action and we have an objection. Correct?

MS. TONI KERNS: If it's unanimous then we can.

CHAIR GROUT: It's not unanimous.

MS. KERNS: Okay, then we will call it out.

CHAIR GROUT: **All those in favor raise their hand.**

MS. KERNS: **Rhode Island, Massachusetts, New York, New Jersey, NOAA Fisheries, Maine, New Hampshire.**

CHAIR GROUT: **All those opposed.**

MS. KERNS: **Connecticut.**

CHAIR GROUT: Are there any abstentions? Any null votes? **The motion carries 7 to 1.**

SET QUOTA PERIOD FOR THE 2025 AREA 1A FISHERY

CHAIR GROUT: Okay, the next item on our agenda is to set the quota period for the 2025 Area 1A fishery.

MS. FRANKE: For the quota periods today, I will review the quota period system from Amendment 3, for the Board to consider for the 2025 Area 1A fishery. Per Amendment 3, quota periods shall be set annually for Area 1A. The Board can consider distributing the Area 1A sub-ACL in three different ways, either bimonthly, by trimester or seasonally. The Board can also decide whether quota from January 1 to May 31st will be allocated later in the fishing season, so June 1 or later, and the Board can also specify if underages can be rolled from one period to the next within the same year. Here on the screen are the three quota period options from Amendment 3.

It's important to note that all of these options and allocation percentages are fixed, so these can only be changed through an addendum. Up on the top of the screen is the bimonthly quota period categories, so you have quota allocated in two-month periods throughout the year, and then there

is also an option for having landings before June 1st, or not until after June 1st.

In the bottom left is the trimester option, so this is three quota periods throughout the year, and then finally on the bottom right you have the seasonal quota period option, so there are just two seasons throughout the year. There is one option for allowing landings before June 1st, and one option for not allowing landings before June 1st.

For reference, here are the quota periods approved by the Board in recent years. In 2019 the Board chose to use the bimonthly option for Area 1A, with no landings prior to June 1st. Then for the most recent five years, 2020 through 2024, the Board has used the seasonal quota period option, with no landings prior to June 1st, and the Board has allowed underages to be rolled from one period into the next. I'm happy to take any questions, and again, just as a reminder the proposed sub-ACL for Area 1A for reference next year is 783 metric tons.

CHAIR GROUT: Any questions for Emilie? Jeff Kaelin.

MR. Kaelin: Can this motion extend to the '26 and '27 fishing years also, since we just set specs for three years? Would that be in order, Mr. Chairman, to make a motion that would accomplish that? I have a motion to that effect.

MS. FRANKE: I think Toni already might have quickly looked that up to see if the Board can do that, exactly what the FMP says.

CHAIR GROUT: While they are looking that up, are there any other questions? Okay, we'll wait.

MS. FRANKE: The FMP says quota periods shall be determined annually, so I think we're just at one year at a time.

CHAIR GROUT: Okay, with that, is there a motion? Cheri Patterson.

MS. PATTERSON: Move that the Board implement seasonal distribution of quota for the 2025 Area 1A sub-ACL with 72.8 percent available from June through September, and 27.2 percent allocated from October to December, with no landings prior to June 1st, and for underages to be rolled over into the next quota period. The fishery will close when 92 percent of the seasonal period's quota has been projected to be harvested.

CHAIR GROUT: Jeff Kaelin, are you seconding?

MR. Kaelin: Yes, Sir.

CHAIR GROUT: Okay, Jeff Kaelin seconded. Any discussion? First of all, rationale. Cheri.

MS. PATTERSON: The rationale is this is consistent with what happened last year. We do have days out meetings on an annual basis, two of them, so that we can react pretty quickly if there were any sort of changes within the fishery during those two periods. Thank you.

CHAIR GROUT: Jeff, as seconder, would you like to provide some input on this?

MR. Kaelin: Just that this was an equitable outcome for all the fishing sectors that are taking herring this next year.

CHAIR GROUT: Any other discussion on this motion? Megan Ware.

MS. WARE: Thanks, I'm going to support the motion, because I think it's our best option. But I do want to point out that with the sub-ACL we just set, the thousand metric ton transfer we typically get is now more than the quota for the full year. While we are making a motion and probably approving a motion for a 72/27 split.

The reality is the vast majority of quota is going to be available in the fall, rather than the summer. I want to highlight that, and I think it's going to be incumbent upon this Board, and particularly the days out states to think creatively about how we try and balance fishing opportunity next year, given the

imbalance of the yearly quota versus that thousand metric ton transfer.

CHAIR GROUT: Further discussion on this motion? Seeing none; is there any objection to the motion? Allison.

MS. ALLISON MURPHY: No objection, but I am going to abstain from this. Thank you.

CHAIR GROUT: With that I see, **this carries unanimously with one abstention.**

OTHER BUSINESS

CHAIR GROUT: Okay, on to Item 6. Megan, you had some Other Business.

MS. WARE: At our September days out meeting we received several comments from industry members asking for the ability to set a weekly truck limit in the fall season. Not surprisingly, prompted by the very low quotas, and I think for some boats a desire to minimize overages and maximize the number of fishing days.

I wanted to bring that forward to the Board for the Board's awareness, since not everyone participates on those Days-Out calls. I think on the one hand we have a pretty diverse herring fishery with different capacity boats, so a weekly truck limit is going to impact those boats differently. On the other hand, if we don't get that thousand metric ton transfer in the fall, I'm not sure we could open in the fall season without some sort of truck limit, because I do think the capacity of the fleet actually could exceed that 27 percent. I just wanted the Board to be aware of those comments and that conversation that happened, just to think about this. Obviously, you know no one wants to be at these really low quotas, and I think we all hoped we would be rebounding at this point, but we aren't. I'm personally recalibrating a little bit, to think about what do we need to manage this fishery at lower quotas than we've seen. Thanks.

CHAIR GROUT: Great, thank you, Dennis Abbott.

MR. DENNIS ABBOTT: I agree with what Megan said, I was part of that conversation. But my concern would be if we set truck limits in the fall, when there are different sized boats operating, that we could end up with having to throw herring overboard, because they could be catching over truck limits, bring into port. I think that is something that we probably ought to just deal with as we do our Days Out meetings during the season, because there was differing opinions on whether we should have limits on the amount of herring landed by the beach vessel.

CHAIR GROUT: Ray Kane.

MR. KANE: I support Megan's thoughts, but I also support Dennis with whoever, we meet at least twice a year. My question is, when is the last time we didn't get the thousand-ton rollover from Canada? We usually get it. Let's not put the carrot before the cart or the horse before the cart, let's deal with it come next fall.

ADJOURNMENT

CHAIR GROUT: Keep in mind that, and correct me if I'm wrong, Emilie, but I think we have to go through an addendum to allow truck limits in Period 3. Okay, with that, is there any other, Other Business? I haven't seen any. Okay, thank you very much for a very efficient meeting. This meeting is adjourned.

(Whereupon the meeting adjourned at 9:30 a.m. on October 21, 2024)