

# Herring Committee Report

**Deirdre Boelke**  
**NEFMC Council Staff**

**June 2019 Council Meeting**  
**Portland, ME**



# Council Action

1. Review Framework 6 (2019-2021 specs) and identify final preferred alternatives (*clarify several issues and take final action*).
2. Review draft work plan for MSE Process Review or “Debrief” (*provide direction*).
3. GB spawning Discussion Document (*update only*).

*Under RSA Agenda item: Review Herring Committee input on RSA Final Report recommendations and potential next steps.*



# I. Framework 6 (2019-2021 Specs and Overfishing/Overfished Definition) (Doc.#2)

- **Specifications:**

1. OFL/ABC/ACL (*Alternatives*)
2. Management uncertainty buffer (*Alternatives*)
3. Border Transfer (BT) (*Alternatives*)
4. US at-sea processing by domestic vessels (USAP)
5. Seasonal sub-ACL restrictions (IA and IB)
6. Research Set-aside (RSA)
7. Fixed gear set-aside (FGSA)
8. River herring/shad (RH/S) catch caps

- **Update overfishing/overfished definition**



# Framework 6 (2019-2021 Specs and Overfishing/Overfished Definition) (Doc. #2)

- **Issues to clarify:**
  1. Clarify OFD Alternatives (p. 14-16).
  2. Clarify Management Uncertainty buffer alternatives (p. 26).
  3. Review unharvested carryover provision (p.37).
  4. Consider adding RH/S alternatives in considered but rejected section (p. 40-42).
- **7 Committee Motions** address issues above and identify final preferred alternatives, all passed unanimously (**Doc. #3**). **AP motions included as well.**



# Overfishing/Overfished Definition (Section 4.1, p.14)

- Alternative 1 – current definition (No Action)
- Alternative 2 – updated definition (to clarify and make consistent with 2018 assessment and Amendment 8)

*PDT drafted another updated definition after May 8 meeting.*

- *Clarify MSY or MSY proxy*
- *Update biomass to spawning stock biomass*
- *But definition still confusing and had more info than needed.*

**ISSUE #1 – Want to clarify that as drafted the specific parameters will be whatever is recommended by the most recent stock assessment (Council approval would not be required).**

# Overfishing/Overfished Definition

*The stock will be considered overfished if stock biomass is less than 1/2 the stock biomass associated with the MSY level or a proxy (e.g.,  $SSB_{MSY}$  or  $SSB_{MSY\ proxy}$ ). The stock will be considered subject to overfishing if the estimated fishing mortality rate exceeds the fishing mortality rate associated with the MSY level or a proxy (e.g.,  $F_{MSY}$  or  $F_{MSY\ proxy}$ ).*

# Overfishing/Overfished Definition

- The draft OFD just says parameter, does not specifically state what the current proxy is (F40%). Meaning a future assessment could use and approve a new proxy and this definition would cover any updates to the parameters (*Option 1*).
- *Option 2* – Would allow use of a parameter, but specifies what the approved proxy is from the current assessment. Meaning if a future assessment used and approved a new proxy the Council would need to adjust the OFD in a subsequent action.
- Either approach is fine – Council just needs to be clear which is preferred. Option 1 is used for all Mid-Atlantic plans, and Option 2 is used in GF FMP.

Need to identify final preferred alternative. AP and Committee support Alt. 2, Option 1 (**CMTE MOTION #1**).

# OFL / ABC (Section 4.2.1, p. 17)

- Alternative 1 (No Action – 2019 measures rollover)
- Alternative 2a (Consistent with A8 CR using “original” projection SSC reviewed)
- Alternative 2b (Consistent with A8 CR using “updated” projection)

	Alternative 1 (No Action) (2019 measures rollover)		Alternative 2 original (A8 ABC control rule)		Alternative 2 updated (A8 ABC control rule with updated 2018 landings data)	
	OFL	ABC	OFL	ABC	OFL	ABC
2019	30,668	21,266	30,668	21,266	30,668	21,266
2020	30,668	21,266	41,830	16,131	40,574	14,265
2021	30,668	21,266	69,064	16,131	68,718	14,265



# OFL / ABC Bio Impacts (Section 7.1.2, p. 56)

- Potential impacts primarily assessed using 3-year projections of SSB, F, probability of overfished/overfishing (Tables 27-29).
- Note: 2018 catch has been updated for Alt. 1 and Alt. 2b (about 5,000 mt higher than Alt 2a), but Alt. 2a uses previous estimate.
- Comparing Alt 2a vs. 2b show the effects of updated 2018 catch data – slightly higher F and Poverfishing for Alt 2b.
- Alt. 1 has higher projection of 2020 F and Poverfishing, but differences are not very substantial.
- All alternatives have relatively high Poverfished (83-84%) due to low SSB, and all 3 have relatively low Poverfishing (1% to 7%) from low allowable F levels. Overall *low positive impacts* from low Poverfishing, *negligible* differences between alternatives.

# OFL / ABC Impacts

- **Non-target** – catch caps minimize impacts, difficult to quantify impacts since they depend on changes in patterns of fishery and distribution/abundance of non-target species. All alternatives have lower quotas than recent years and relatively similar, so *negligible impacts*.
- **EFH** - Given the minimal and temporary nature of adverse effects on EFH in the Atlantic herring fishery, these specifications are expected to have a *negligible* impact on the physical environment and EFH.
- **Protected Resources** – OFL/ABC is lower in this action so the levels of take will not affect the continued existence of non- ESA listed species of marine mammals, *low negative to negligible* impacts.
- **Human communities** – *Negative to low-negative* in short-term, Alt I may have more LT risk, but if business fail they will receive no LT benefits.

Need to identify final preferred alternative. AP does not support A8 CR, Cmte supports Alt. 2a (**CMTE MOTION #2**).

# Management Uncertainty – Sect. 4.2.2.2, p.26

- Diff. between ABC and ACL – helps ensure ABC not exceeded.
- Estimate of Canadian catch, state water catch, and discards.
- 1,000 mt can rollback to Area IA sub-ACL after Oct 1 if unused.
- Alternatives under consideration:

*No Action – 6,200 mt*

*Option 1 – 5,888 mt*

*Option 2 – 3,992 mt*

*Option 3 – 4,560 mt*

ISSUE #2: PDT recommends including No Action alternative (6,200 mt) for consideration. Cmte agreed (**CMTE MOTION #6**).

# Management Uncertainty Impacts

- **Biological** – *Low positive* because they all help reduce risk of exceeding ABC, negligible differences.
- **Non-target, EFH, Protected resources** – *negligible* differences.
- **Human communities** – *uncertain but potentially low negative* if NB weir fishery exceeds buffer, some options have low positive compared to No Action because more catch would be available to the fishery, but differences are minimal.
- **Section 4.2.2.4** added to summarize proactive in-season measures that also address management uncertainty related to monitoring a high volume fishery under area TACs.

Need to identify final preferred alternative. AP supports Option 2, Cmte supports Option 3 (**CMTE MOTIONS #5**).

# Border Transfer – Sect. 4.2.3, p.27

- US caught herring transshipped to Canada via Canadian carrier vessels, must be used for human consumption.
- Not a set-aside – it is a maximum allowance caught in Area IA by US vessels and transferred to Canadian vessels.
- Separate dealer code tracked by NMFS.
- Has been 4,000 mt since FMP was implemented, but in 2019 action it was set to zero (as recommended by the Council).
- Recent usage small (800 mt in 2013/2014, essentially 0mt since).
- Alternatives:

*No Action – 0mt*

*Up to 250 mt*

# Border Transfer Impacts

- **Biological** – *No direct impacts*, whether fish transferred at sea or on land by truck has no direct impact on resource.
- **Non-target, EFH, Protected resources** – *No direct impacts*.
- **Human communities** – *Negligible to low negative* for 0mt option because vessels not likely to transfer under Option 2 and setting at 0mt could have negative impacts on trading partnerships with Canada for some companies. Impacts on lobster industry expected to be *neutral* since activity not likely under either option, and bait could move across the border in either direction by truck.

Need to identify final preferred alternative. AP supports 250 mt, Cmte supports 100 mt (**CMTE MOTION #3**).

## Specifications without alternatives (Sec. 4.3, p.29)

- Domestic annual harvest (DAH)
- Domestic annual processing (DAP)
- US at-sea processing (USAP) – status quo, no change - 0mt
- Management area sub-ACLs – status quo, no change
- Seasonal sub-ACLs divisions – status quo, no change
- Research Set-Aside – status quo, no change – 3% of each sub-ACL
- Fixed gear set-aside- proportional reduction to Area IA reduction
- River Herring / Shad catch caps – status quo, 2019 allocations

No need to approve these today; the Council already passed motions to specify these in April.

## **ISSUE #3: Carryover of unharvested catch (Sec. 4.5, p.37)**

- Any unharvested catch in a herring management area, up to 10% of that area's sub-ACL shall be carried over and added to the sub-ACL for the year after total catch is determined.
- Final FY2018 is not official yet, but each area reached only 80-90% of their sub-ACLs so there would be about 4,990 mt available for carryover to FY2020 (Table 16).
- But the ACL shall not be increased by carryover, and since the total fishery closes when 95% of the total ACL is projected to be caught, any carryover could impact distribution of catch by area if some areas harvest increased sub-ACLs before other areas.

ISSUE #3: Should additional measures be considered to address carryover of unharvested catch from 2018?



# Unharvested 2018 Catch

## Table 16, p.37

Area	Quota (mt)	Cumulative Catch (mt)	Percent Quota Caught	2018 Underage	Carryover to 2020 (10% of Quota*)
1A	27,743	24,814.6	89.40%	2,928.4	2,774.3
1B	2,639	2,156.4	81.70%	482.6	2,63.9
2	8,200	7,056.2	86.10%	1,143.8	820
3	11,318	9,761.6	86.20%	1,556.4	1,131.8
<b>Total</b>	<b>49,900</b>	<b>43,788.8</b>	<b>87.80%</b>	<b>6,111.2</b>	<b>4,990</b>

# National Standard I Guidelines

- *Carry-over ABC control rules.* An ABC control rule may include provisions for the carry-over of some of the unused portion of an ACL (*i.e.*, an ACL underage) from one year to increase the ABC for the next year.
  - Carry-over provisions could also allow an ACL to be adjusted upwards as long as the revised ACL does not exceed the specified ABC.
  - Councils should consider the likely reason for the ACL underage. ACL underages that result from management uncertainty (*e.g.*, premature fishery closure) may be appropriate circumstances. ACL underages that occur as a result of poor or unknown stock status may not be appropriate.
  - Councils should evaluate the appropriateness of carry-over for stocks that are overfished and/or rebuilding, as the overriding goal for such stocks is to rebuild them in as short a time as possible.

# Alt 2a for OFL/ABC with Option 3 for MU (4,560mt) Committee Preferred (See Table I5)

FY 2020 (Cmte preferred)	OFL	ABC	MU (Option 3)	ACL	1A	1B	2	3	Diff. (ACL vs. 95/92%)	2018 underage	2018 10% limit	AP Idea 2020 10% limit
					28.9%	4.3%	27.8%	39.0%				
OFL/ABC Alt. 2a	41,830	16,131	4,560	11,571	3,344	498	3,217	4,513		6,111	4,990	1,157
0.95				10,992	3,177	473	3,056	4,287	579			
0.92				10,646	3,076	458	2,960	4,152	925			

Worse Case (Area 1A - carryover)		
	Area 1A	sub-ACL %
No Action	-1,646	0.0%
AP Idea	2,187	18.9%
Cmte Pref	3,344	28.9%

ISSUE #3: AP motion to limit carryover to 10% of 2020 ACL, Cmte motion to prohibit carryover for this action. (**CMTE MOTION #7**).

# ISSUE #4: RH/S catch cap alternatives

Committee reviewed 5 possible alternatives in March and recommend the Council *not* include them in FW6 (Council agreed).

1. Adjust RH/S catch caps proportional to herring ACLs
2. Same method (average of last 3 years) but with updated data
3. Survey index based cap
4. Original allocations
5. Two-phase approach (similar to MAFMC with mackerel)

ISSUE #4: PDT recommends these be included in the considered and rejected section (Section 5.0, p.40).  
AP and Cmte agree (**CMTE MOTION #4**)

# New Sections to be aware of

- **Section 4.4** – Summary of specifications under consideration (Table 14 shows alternatives combined).
- **Section 4.6** - Summary of monitoring and reporting requirements and possible modifications under low quotas.

**Once 4 issues clarified, and final preferred alternatives identified for:**

- 1) **OFD;**
- 2) **OFL/ABC;**
- 3) **Management uncertainty; and**
- 4) **Border transfer**

**Then Framework 6 is complete! Motion to submit needed.**

## 2. MSE Process Review “Debrief” (Doc.#4)

- 2019 priority to solicit feedback on MSE process used in A8.
- PDT Recommendations:
  - Method: online survey and possible interviews, over workshop.
  - Purpose/Goals: identify perceptions, pros/cons of process used, lessons learned, help inform future Council decisions on use of MSE.
  - Proposed work plan (Table I).

AP and Cmte support draft PDT work plan (By consensus)

Phases of debrief	Purpose and/or steps	Timeline (2019)
Planning	PDT and Committee develop purpose, goals, work plan and survey questions (with AP input).	April-May
	Council approves the purpose, goals and work plan.	June
Gathering feedback	PDT finalizes survey questions.	June-July
	PDT administers survey.	July-August
	PDT potentially conducts follow-up interviews (perhaps 10).	August-September
Reporting	PDT drafts report, compiling survey (and potential interview) outcomes and providing PDT input and recommendations.	September-October
	AP and Committee review draft report and provide input and recommendations.	November
	Council receives final report and Committee recommendations.	December*

\*If there are any delays or more time is needed, this could slide to Jan 2020 Council meeting.

### 3. GB Spawning Discussion Document

- 2019 Priority – Council solicited for contract proposals in April.
- Awarded GMRI: Dr. G. Sherwood, A. Whitman, A. Weston.
- May – Sept, intent to present at September Council meeting.
- Review literature, summarize previous Council/ASMFC actions, conduct interviews, analyze data, produce maps, etc..
- Collaboration with the PDT planned over the summer.

If you are interested in sharing information please contact:

*Graham D. Sherwood, Ph.D.*

*Research Scientist, Fisheries Ecology*

*Gulf of Maine Research Institute*

*[gsherwood@gmri.org](mailto:gsherwood@gmri.org)*

*207-228-1644*