

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Final Herring Plan Development Team (PDT) Report

October 29, 2014

GARFO Office, Gloucester, MA

The Herring Plan Development Team (PDT) met on October 29, 2014 to: review/discuss possible herring-related management actions and upcoming work for 2015 (work on draft action plans); review/discuss draft discussion paper re. considerations related to adding river herring/shad as stocks in the Atlantic herring fishery; discuss updated information about the SMAST/MADMF/SFC river herring bycatch avoidance program; and discuss the options under consideration in the Omnibus Industry-Funded Monitoring (IFM) Amendment to address observer coverage on limited access Atlantic herring vessels.

Meeting Attendance: Herring PDT Members: Lori Steele (Herring PDT Chairman), Rachel Feeney (NEFMC Staff); Matt Cieri (ME DMR), Micah Dean (MA DMF), Renee Zobel (NHFG), Min-Yang Lee and Jon Deroba (NEFSC), Madeline Hall-Arber (MIT Sea Grant), Brant McAfee and Carrie Nordeen (GARFO). **Others:** Brad Schondelmeier and Bill Hoffman (MA DMF); Dave Ellenton, Chris Weiner, Gerry O'Neill (Herring Advisory Panel Members); Erica Fuller.

Webinar: Sara Weeks (NEFOP); Jason Didden (MAFMC), Dave Bethoney (SMAST).

Summary

- **After discussing all of the potential Atlantic herring-related management actions that the Council may identify as priorities for 2015, the Herring PDT agreed that unless a specific Atlantic herring resource/fishery problem can be clearly identified that requires immediate management attention, the Council's 2015 Atlantic herring management priorities should be: (1) development of the 2016-2018 Atlantic herring fishery specifications package, including river herring/shad (RH/S) catch caps and the Atlantic herring ABC control rule; and (2) initiation of one of the two amendments to the Atlantic Herring FMP (stocks in the fishery or catch shares).** Identifying these actions as priorities for 2015 would not preclude further consideration of the other herring management actions at a later date.

The Herring PDT expressed significant concern about moving forward with a management action in 2015 to consider adjustments to Atlantic herring management area boundaries because of the potential to significantly complicate and delay the development of the 2016-2018 Atlantic herring fishery specifications package, which should be the top priority.

The Herring PDT did not develop a recommendation as to which of the two amendments under consideration for management action should take priority in 2015, as this is largely a policy decision. While there is generally not much Herring PDT support for including RH/S as stocks in the Atlantic herring fishery, the PDT did not rank these two actions in terms of priority and awaits guidance from the Council. From a technical/workload perspective in 2015, there is little difference between the two amendments, as both are significant multi-year amendments, and much of the work in 2015 would involve scoping, developing specific goals/objectives for the action, and outlining the possible range of alternatives.

- The Herring PDT identified some possible modifications to the provisions for the Atlantic herring research set-aside (RSA) program that could be considered in the 2016-2018 fishery specifications package. The intent of these adjustments would be to increase the incentive for herring vessels to participate in the RSA program, which has been particularly challenging in areas where the herring sub-ACLs are not fully utilized.
- The Herring PDT expressed strong support for moving forward with the incorporation of portside sampling data into NMFS' monitoring program for RH/S catch caps and urged GARFO staff to continue to explore this issue. This may be especially important if observer coverage on herring vessels is decreased due to limited funding and the allocation of observer days through the standardized bycatch reporting methodology (SBRM).

October 29, 2014 Herring PDT Meeting Minutes

2015 Atlantic Herring Management Priorities

The Herring PDT reviewed the August 27, 2014 memo from Herring Committee Chairman Doug Grout to the Executive Committee regarding the list of possible 2015 herring-related management actions to consider for prioritization. While developing the 2016-2018 Atlantic herring fishery specifications package is necessary/required, developing additional Atlantic herring management actions in 2015 are more discretionary and will be considered by the Council relative to other management priorities during the upcoming year. At its November 4, 2014 meeting, the Herring Committee will develop its recommendations regarding 2015 Atlantic herring management priorities for the Council to consider when it discusses all of its management priorities at the November 2014 Council meeting.

The PDT considered the possible list of 2015 Atlantic herring management actions in the context of the timeline and workload associated with the 2016-2018 Atlantic herring fishery specifications package. The PDT reviewed the Draft Action Plan for the 2016-2018 herring specifications package and agreed that the Atlantic herring ABC control rule (ABC CR) should be addressed in the specifications package, the timeline for which allocates additional time and resources early-on (January – June 2015) to ensure adequate discussion and full consideration of a wide range of ABC CR alternatives. Recommendations for developing the ABC CR alternatives would come first from the Council's Risk Policy Working Group (RPWG), with input from the Science and Statistical Committee (SSC), and then from the Herring Committee with further analysis from the Herring PDT during the 2016-2018 fishery specifications process. The Herring PDT also acknowledged the significant workload associated with developing the options for 2016-2018 river herring/shad (RH/S) catch caps in the specifications package and agreed that this work should start early in 2015. The Draft Action plan for the 2016-2018 specifications package reflects this.

Recognizing that the development of the 2016-2018 Atlantic herring fishery specifications will be time-consuming and complicated (January – December 2015), the Herring PDT offers the following comments regarding the consideration of additional Atlantic herring-related management actions as priorities in 2015:

2. Management Action to Address Several Outstanding Issues (see August 27, 2014 memo from Doug Grout)

Adjustments to Atlantic Herring Management Area Boundaries and Measures to Address Fishing Effort on the Backside of Cape Cod: The Herring PDT expressed significant concern about moving forward with a management action in 2015 to consider adjustments to Atlantic herring management area boundaries because of the potential to significantly complicate and delay the development of the 2016-2018 Atlantic herring fishery specifications package, which should be the top priority. It will be extremely difficult to develop a range of options for allocating the stockwide herring ACL among management areas if the Council is simultaneously considering modifications to the areas. Completing an action to modify the management areas prior to developing the 2016-2018 specifications package appears to be impossible. Adding this measure to the 2016-2018 specifications process would significantly complicate the specifications package and would likely delay the process beyond the current timeline, which already results in late implementation of the specifications (see Draft Action Plan). The timing of a management action to change the management areas boundaries is a significant concern.

Additionally, before moving forward with this action, the Herring PDT recommends that the problem this adjustment would address be more clearly identified and articulated by the Council.

Currently, vessels participating in the directed Atlantic herring fishery are fishing in open management areas consistent with Atlantic herring fishery regulations when herring quota is available and Atlantic herring are present in those areas. Midwater trawl vessels are subject to a seasonal purse seine/fixed gear only area in the inshore Gulf of Maine, a stock-specific haddock catch cap throughout the fishery, and gear/area-specific catch caps for RH/S are expected to be implemented sometime in the immediate future. The Council addressed concerns regarding RH/S interactions on backside of Cape Cod when it developed the RH/S catch caps in Framework 3 and established a RH/S catch cap specifically for this area (Statistical Area 521, see Figure 1). While some stakeholders have voiced concerns about concentrations of midwater trawl fishing effort around the nearshore portions of the management area boundaries (Area 1B, 2, and 3 converge around the backside of Cape Cod), the specific problem remains unclear.

The herring management areas were originally established in the Atlantic Herring FMP (1999) with a biological basis. Stock structure was (and still is) a source of uncertainty, but the areas were drawn based on the best available information about the distribution, migration, and mixing of the inshore and offshore stock components. The management areas were modified in Amendment 1 (2006) with the intent of better reflecting the distribution of the inshore/offshore stock components. Unless a resource and/or fishery problem can be identified at this time, it may not be appropriate to consider changes to the herring management area boundaries. Changes to the management area boundaries may have significant impacts and would require reconsideration of the biological basis for establishing the management areas, as well as analysis of the potential impacts of the changes on the Atlantic herring resource and fishery participants.

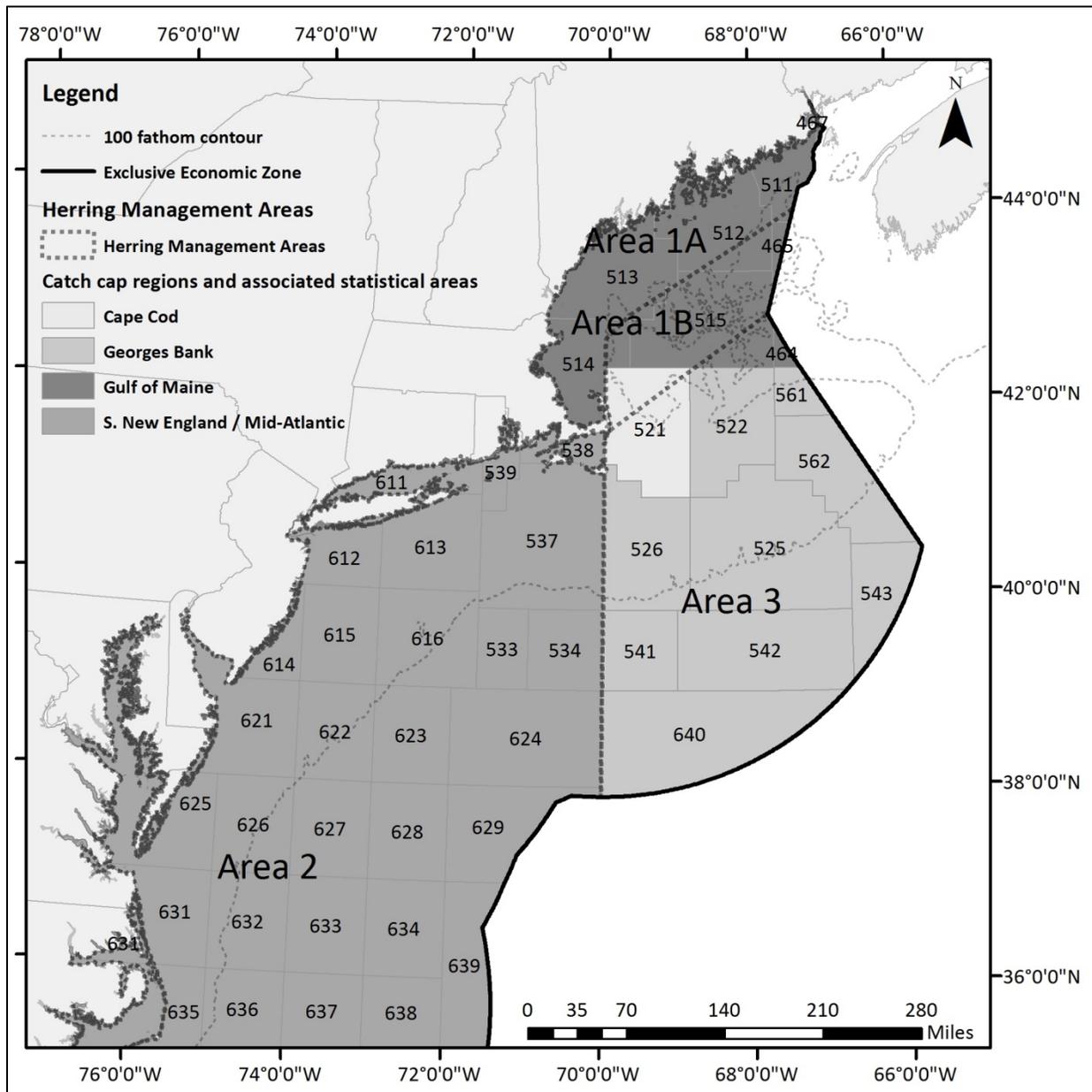
From the Herring PDT's perspective, the current management area structure does not seem to create a problem that requires management action in 2015. The PDT also cautions that changes to herring management area boundaries could affect the allocation of catch history in the event that a catch share program for the Atlantic herring fishery is developed in the future. This is an important consideration.

If the problem/concern relates to recent sub-ACL overages in Area 1B, the PDT notes that the Area 1B overages have been largely the result of a very small sub-ACL allocation for Area 1B, which the Council acknowledged when it selected the 2013-2015 Atlantic herring fishery specifications. Overages in Area 1B are not creating a resource/overfishing problem, as the Area 1B sub-ACL represents a very small fraction of Atlantic herring stockwide ACL. Total Atlantic herring catch continues to be limited to the stockwide ACL, which closes the directed herring fishery when 95% is projected to be reached and has not been exceeded in the past. The concern about Area 1B overages could be addressed, at least in part, by increasing the Area 1B sub-ACL during the 2016-2018 Atlantic herring fishery specifications.

If the Council can clearly identify a resource and/or fishery problem and agrees to consider changes to the herring management area boundaries, then the Herring PDT recommends that this be developed in an action following the 2016-2018 Atlantic herring fishery specifications package. This approach would provide the time needed to fully consider a range of alternatives to adjust the management area boundaries and the potential impacts on the fishery, on quota monitoring, and on catch history.

The PDT briefly discussed general alternatives, including those that would eliminate the Area 1A/1B line and/or re-draw the management area boundaries around the backside of Cape Cod. The PDT also recognizes the potential benefit of considering alternatives that would simplify area-based management in the herring fishery. For example, there may be ways to re-draw the management area boundaries consistent with some of the statistical areas and catch cap areas (see Figure 1 below). Again, however, these are significant changes that require a clear problem statement, and the Herring PDT does not support moving forward with this action as a management priority in 2015.

Figure 1 Atlantic Herring Management Areas and Proposed RH/S Catch Cap Areas



Adjustments to the Herring Research Set-Aside (RSA) Program: The Herring PDT discussed the details of this issue under the agenda item for the SMAST/SFC/MADMF River Herring Bycatch Avoidance Program. In general, the Herring PDT supports considering modifications to provisions for the Atlantic herring RSA program in the 2016-2018 Atlantic herring fishery specifications package to address challenges identified by participants in the river herring bycatch avoidance program (see discussion below).

Measures to Protect Spawning Herring on Georges Bank/Nantucket Shoals: Herring PDT members who also serve on the ASMFC Atlantic Herring Technical Committee updated the PDT on ASMFC developments related to measures to protect spawning Atlantic herring. Essentially, the funds needed to support a comprehensive study of offshore spawning timing/location are currently not available; as a result, the ASMFC did not take action to address this issue at its last meeting. Without funds to do the necessary research, it is not clear how measures to address this issue would be developed in the Atlantic Herring FMP at this time. For these reasons, the Herring PDT recommends that this issue not be prioritized for management action in 2015.

Modifications to Haddock Catch Cap AMs: The Herring PDT briefly discussed this issue and agreed that changes to the haddock catch cap accountability measures (AMs) should not be prioritized for management action in 2015. The current AMs close portions of the directed herring fishery if the haddock catch cap is reached and require overage deductions if the catch cap is exceeded. Modifying these AMs may not be the most appropriate approach to address concerns raised by the industry about the recent decline of the haddock catch cap despite an abundant haddock stock. Haddock catch cap allocations should be addressed through the Multispecies (Groundfish) FMP, if necessary. For these reasons, the Herring PDT recommends that this issue not be prioritized in 2015.

ABC CR/Herring Overfishing Definition: The Herring PDT agrees that this issue should be addressed in the 2016-2018 Atlantic herring fishery specifications package. The PDT supports early development of the ABC CR alternatives, with guidance from the RPWG and input from the SSC. If changes to the ABC CR necessitate further FMP modifications (i.e., reference points, overfishing definition), these modifications could be implemented in a trailing action. It is unclear at this time whether an additional action will be necessary.

3. Amendment to Consider Adding River Herring/Shad (RH/S) as Stocks in the Atlantic Herring Fishery

The Herring PDT recognizes that considering an amendment to RH/S as stocks in the Atlantic herring fishery is largely a policy decision to be made by the Council. If the Council identifies this as a management priority, the action would likely be a multi-year amendment. The first steps of the amendment development process would likely involve a consultation process with the Mid-Atlantic Council (and perhaps the South Atlantic Council as well), ASMFC, and NMFS to reach agreement regarding Federal jurisdiction and how to develop a coordinated State-Federal Agency approach. The PDT discussed additional issues related to adding RH/S as stocks in the fishery under a subsequent agenda item (see below).

4. Amendment to Consider Alternatives for Catch Shares in the Limited Access Atlantic Herring Fishery

- The Herring PDT has not discussed issues related to developing a catch share program for the herring fishery in any detail and recognizes that this is a complicated issue. If the Council identifies this as a management priority, the action would likely be a multi-year amendment.
- The PDT again cautioned the Council about developing an action to modify Atlantic herring management area boundaries until more consideration can be given to whether or not a catch share program may be developed for the herring fishery and how changes to the management area boundaries may affect the development of a catch share program (ex., attributing catch history by management areas).

SMAST/MADMF/SFC River Herring Bycatch Avoidance Program

Brad Schondelmeier (Massachusetts Division of Marine Fisheries, MADMF) presented an overview/update of the river herring bycatch avoidance program coordinated by MADMF with UMASS Dartmouth School of Marine Science and Technology (SMAST) and the Sustainable Fisheries Coalition (SFC). This update will be presented to the Herring Advisory Panel and Committee at the November 3 and 4, 2014 meetings. The Herring PDT expressed continued support for both the river herring bycatch avoidance program and the portside sampling program conducted by MADMF as well as ME DMR. The PDT will re-evaluate portside sampling data during the development of the 2016-2018 Atlantic herring fishery specifications package. The PDT also expressed strong support for moving forward with the incorporation of portside sampling data into NMFS' monitoring program for RH/S catch caps and urged GARFO staff to continue to explore this issue. This may be especially important if observer coverage on herring vessels is decreased due to limited funding and the allocation of observer days through the standardized bycatch reporting methodology (SBRM).

The SMAST/MADMF/SFC river herring bycatch avoidance program has been funded for 2014 and 2015, in part, through the Atlantic herring research set-aside (RSA) program allocated through the fishery specifications process, but the participants in the program have encountered some difficulties related to the limitations that the program places on the harvest of RSA fish. The Herring PDT identified some possible modifications to the provisions for the herring RSA program that could be considered during the 2016-2018 fishery specifications process. The intent of these adjustments would be to increase the incentive for herring vessels to participate in the RSA program, which has been particularly challenging in areas where the herring sub-ACLs are not fully utilized. The modifications that could be considered include (these options would require complete analysis in the specifications package):

- Set-asides for catch caps (RH/S and haddock) to allow for RSA fishing in the event that a catch cap closes an area to the directed herring fishery;
- RSA carryover provisions;

- Allowances for RSA harvesting during closed fishing seasons (for example, when Area 1A or 1B is closed during the early part of the year);*
(*Following the PDT meeting, GARFO staff clarified that fishing during closed seasons is already authorized under the EFP provisions.)
- Provisions to allow for transfer of RSA fish between management areas.

Draft Discussion Paper re. Adding River Herring and Shad as Stocks in the Atlantic Herring Fishery

Ms. Steele reviewed some elements of the Discussion Document she is drafting for the Herring Committee and Council to consider with respect to taking action to add river herring and shad as stocks in the Atlantic herring fishery. The Herring Committee and Council will consider this issue at the upcoming meetings in the context of 2015 Atlantic herring management priorities. The Herring PDT offered several comments regarding some elements of the Discussion Document. Ms. Steele agreed to incorporate the feedback from the PDT into the draft Discussion Document as time permits. The PDT is encouraged by recent conservation and management efforts at the State and Federal level and encourages continued participation in those efforts.

In general, the Herring PDT agreed that there is no technical basis to conclude that managing RH/S through the Atlantic herring federal FMP would improve the conservation and management of these species. Directed RH/S fisheries occur in State waters, managed by the ASMFC. Incidental catch in Federal waters is addressed through the existing management structure. The Herring PDT cannot identify a problem that clearly could be resolved by adding RH/S as stocks in the Atlantic herring fishery. The most significant problems at this time relate to: (1) the lack of adequate scientific information to properly assess the RH/S stocks and (2) the influence of factors other than fishing mortality. Adding RH/S as stocks in the Atlantic herring fishery would not automatically result in additional funds to support the conservation and management of these species, but would more likely result in a re-allocation of the existing funds for all Federally-managed species.

Herring Observer Coverage Options in Omnibus IFM Amendment

The Herring PDT briefly reviewed the options under development in the omnibus Industry-Funded Monitoring (IFM) Amendment to address requirements for observer coverage on Atlantic herring vessels. Time was limited at this meeting, so the PDT agreed to revisit the details of a recent RH/S catch analysis prepared for the IFM amendment at a future meeting.

The PDT agreed that developing an option that allocates observer coverage based on achieving a particular confidence interval or level of precision (expressed as a coefficient of variation, CV) for RH/S catch estimates is extremely complicated. The PDT recommends that to refine this option, the Herring Committee/Council review the RH/S catch analysis and select the average value from the time period in the analysis to represent the coverage level that would be intended to achieve a RH/S catch estimate with a 30% CV. This issue will be discussed in more detail at the November 3/4 Herring Advisory Panel and Herring Committee meetings.

Summary Recommendations – 2015 Atlantic Herring Management Priorities

After discussing all of the potential Atlantic herring-related management actions that the Council may identify as priorities for 2015, the Herring PDT agreed that unless a specific Atlantic herring resource/fishery problem can be clearly identified that requires immediate management attention, the Council’s 2015 Atlantic herring management priorities should be: (1) development of the 2016-2018 Atlantic herring fishery specifications package, including RH/S catch caps and the Atlantic herring ABC CR; and (2) initiation of one of the two amendments to the Atlantic Herring FMP (SOF or catch shares). Identifying these actions as priorities for 2015 would not preclude further consideration of the other herring management actions at a later date.

The Herring PDT did not develop a recommendation as to which of the two amendments under consideration should take priority in 2015, as this is largely a policy decision. While there is generally not much PDT support for including RH/S as SOF, the PDT did not rank these two actions in terms of priority and awaits guidance from the Council. From a technical/workload perspective in 2015, there is little difference between the two amendments, as both are significant multi-year amendments, and much of the work in 2015 would involve scoping, developing specific goals/objectives for the action, and outlining the possible range of alternatives.