



New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Herring Advisory Panel

Webinar

December 9, 2020

The Herring Advisory Panel (AP) met on December 9, 2020 at 9:00 AM via webinar primarily to continue development of 2021 work priorities: rebuilding plan, potential adjustments to herring AMs, and Framework 7 (GB spawning action).

MEETING ATTENDANCE: Bert Jongerden (Chair), John-Paul Bilodeau, Jeff Kaelin, Ray Kane, Zach Klyver, Meghan Lapp (Vice-Chair), David Mussina, Gerry O’Neill, James Ruhle, and MaryBeth Tooley. Beth Casoni was absent. Other attendees: Deirdre Boelke (PDT Chair) and Janice Plante, Emily Gilbert and Carrie Nordeen (GARFO staff), and about ten members of the public including several Committee members.

KEY OUTCOMES: The AP passed several motions related to topic #1 the rebuilding plan, one motion for topic #2 accountability measures, and several motions related to topic #3 Framework 7. In addition, a motion was made under other business about writing a letter about the final rule for Amendment 8, but that motion did not pass.

MOTIONS:

Rebuilding Plan

Motion 1: Tooley/Ruhle

AP recommends the Committee include an alternative in the rebuilding plan that would use Frebuild of 10 years (Tmax=10 years).

Rationale: National Standard 1 states the target be as short as possible taking into account the status of the stock and fishing communities, this action needs an alternative that provides some mitigation for fishing communities. Poverfishing is very low and this will provide a full range of options.

Vote: 8:2:0, carries

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|-------------|--------|-----------------------------------|---|
| JP Bilodeau | Y | David Mussina | N |
| Beth Casoni | absent | Gerry O’Neill | Y |
| Jeff Kaelin | Y | James Ruhle | Y |
| Ray Kane | Y | MaryBeth Tooley | Y |
| Zach Klyver | N | | |
| Megan Lapp | Y | <i>Bert Jongerden (if needed)</i> | |

Additional AP input on Motion 1

- *High fishing mortality is not why biomass is so low – other factors involved so don't put the industry out of business as well. Provide more flexibility by pushing out to ten years. More time should have been taken with A8 control rule, too drastic*
- *Minority view – it would have been better to reduce fishing mortality earlier, setting catch limits under a more conservative control rule earlier before recruitment failure would have prevented these drastic quota reductions, but too late now. We need to be more conservative to help this stock recover. We hope we have hit bottom and recruitment will not get any worse, but we do not know that – we need to do everything we can.*

Motion 2: Kaelin/Ruhle

AP requests the Committee task the PDT to further develop analysis described in bullet 3 of Section 3.0 of PDT memo (Document #3) concerning the need for defining recruitment.

- If the Committee supports it, the PDT would like to explore other possible methods for: 1) defining recruitment in the projections; and 2) defining generation time. There may not be sufficient time and resources to apply different assumptions about recruitment in this rebuilding plan, but the PDT is interested in exploring the topic as resources are available. Specifically, the PDT is interested in exploring the potential use of empirical dynamic modeling for informing recruitment assumptions used in the projections.

Rationale: Since herring abundance is closely related to environmental and predation effects, better understanding of recruitment dynamics is important for the future of the region's herring fishery. This is consistent with research recommendations identified in the last herring assessment.

Vote: 10:0:0, carries unanimously

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|-------------|--------|-----------------------------------|---|
| JP Bilodeau | Y | David Mussina | Y |
| Beth Casoni | absent | Gerry O'Neill | Y |
| Jeff Kaelin | Y | James Ruhle | Y |
| Ray Kane | Y | MaryBeth Tooley | Y |
| Zach Klyver | Y | | |
| Megan Lapp | Y | <i>Bert Jongerden (if needed)</i> | |

Additional AP input on Motion 2

- *Only motion that passed unanimously all day. Everyone agrees that we need to learn more about these environmental dynamics. All hands on deck – resources need to be made available to look into this. Industry sees these changes at sea, NEMAP survey is observing big changes in our ecosystem. Menhaden are everywhere and out competing herring and other species. Fish are not growing.*

Motion 3: Kaelin/Lapp

AP recommends the Committee add additional alternatives of P*50% and P*40% (probability of overfishing set at 0.5 and 0.4) as options to set specifications in the rebuilding plan.

Rationale: This approach aligns the setting of herring specification with other FMPs in the region. No other fisheries in the region set specifications with a biomass-based control rule as conservative as the strategy used in Herring Amendment 8, and it was never fully reevaluated as part of the MSE process. These options recognize that other factors influence the probability of overfishing, not just fishing.

Vote: 6:3:0, carries

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|-------------|--------|-----------------------------------|---|
| JP Bilodeau | Y | David Mussina | N |
| Beth Casoni | absent | Gerry O’Neill | Y |
| Jeff Kaelin | Y | James Ruhle | Y |
| Ray Kane | N | MaryBeth Tooley | Y |
| Zach Klyver | N | | |
| Megan Lapp | Y | <i>Bert Jongerden (if needed)</i> | |

Additional AP input on Motion 3

- *Industry would like the Council to be more consistent – why is herring catch limit policy so much more conservative than all other plans in the region? P*of .5 or .4 still risk averse and is more consistent with other plans.*
- *Minority view: similar comments under Motion 1, more conservation is warranted for this important forage fish.*

Herring Accountability Measures

Motion 4: Tooley/Kaelin

The AP recommends the Committee consider changes to the accountability measures in the Herring FMP [related to sub-ACL overage deductions], that implement a program consistent with NS1 to trigger paybacks at the total ACL.

Rationale: Current system not able to achieve OY, fish left in the water on a regular basis. The AMs in this plan are more restrictive than National Standard 1 requires, the industry needs flexibility.

Vote: 8:1:0, motion carries

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|-------------|--------|-----------------------------------|---|
| JP Bilodeau | Y | David Mussina | N |
| Beth Casoni | absent | Gerry O’Neill | Y |
| Jeff Kaelin | Y | James Ruhle | Y |
| Ray Kane | Y | MaryBeth Tooley | Y |
| Zach Klyver | Y | | |
| Megan Lapp | Y | <i>Bert Jongerden (if needed)</i> | |

Additional AP input on Motion 4

- Overall – the AP needed more time to think about carryover – they support considering adjustments, but they were not ready to develop alternatives at this early stage. More to think about – so only passed on motion about overages. If the system could be more dynamic with in-season changes that would be ideal.
- This FMP has left a lot of fish in the water – need to find ways to catch closer to OY. The AMs in this fishery go beyond requirements because they are focused on sub-ACL – not ACL. Data on stock mixing and sub-components is very old. Quotas are so low – carryover not likely to impact overall stock. Again, industry does not think Council is being consistent with these policies. Area 2 may be unique since fish do not spawn there and are mixed. Maybe carryover can work differently there – overages may not impact individual sub-components the same because fish are mixed in that area.
- Minority view – conservation is needed, important to reduce future catch limits from overages for accountability.

Framework 7

Motion 5: Tooley/O'Neill

The AP recommends the Committee delay any further action on GB spawning closures until such time as impacts to the herring and other federal fisheries can be determined.

Rationale: Current analysis in Framework7 does not indicate any appreciable benefits to spawning stock biomass (SSB) by limiting herring fishing as encounters with spawning fish are rare. Additionally, spatial management for all federal fisheries in the Northeast will incur major changes in the near future from offshore wind that will not be able to be considered here in this action. Total bottom trawl effort has declined dramatically over the years, and this stock has gone from depleted to rebuilt under much higher fishing levels. These measures will not provide benefits people hope they will because herring fishing is not the primary factor impacting success of herring recruitment.

Vote: 6:3:0, carries

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|-------------|--------|-----------------------------------|---|
| JP Bilodeau | Y | David Mussina | N |
| Beth Casoni | absent | Gerry O'Neill | Y |
| Jeff Kaelin | Y | James Ruhle | Y |
| Ray Kane | N | MaryBeth Tooley | Y |
| Zach Klyver | N | | |
| Megan Lapp | Y | <i>Bert Jongerden (if needed)</i> | |

Additional AP input on Motion 5

- Minority view – white paper supports looking into this – urgent we improve recruitment. Herring may be able to spawn in very broad areas and this action would only protect part of those areas. We may learn that herring gears are not the main problem – maybe reducing impacts from other benthic gears will improve recruitment.
- Effort has reduced by large amounts on GB over the last few decades. When the MAFMC looked at this for squids – there was no evidence of impacts. The white paper showed us that overlap is small, so there may not be benefits we want from this. When we close areas we do lose valuable data.
- Mixed views on the benefits from GOM closures.

Motion 6: Kaelin/Ruhle

Recommend the Committee focus on prioritizing information gathering recommended in bullet#2 of PDT memo (Document #5b).

- After IFM implementation there may be improved data on spawning of Atlantic herring on GB (i.e. more GSI samples from dockside monitors, additional sampling from at-sea monitors at higher observer coverage rates (50%), etc.). However, this would require specific training and collection of spawning specific data are not currently planned. To use these data to inform adjustments in the future, more resources would need to be invested to expand the current protocols.

Rationale: We all want the resource to respond and increase overall biomass, but it has not yet. Some companies have elected to use cameras and portside sampling under IFM and we will learn more. There is an opportunity here to collect more data about impacts of MWT fleet on GB spawning.

Vote: 8:1:0, carries

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|-------------|--------|-----------------------------------|---|
| JP Bilodeau | Y | David Mussina | Y |
| Beth Casoni | absent | Gerry O’Neill | Y |
| Jeff Kaelin | Y | James Ruhle | Y |
| Ray Kane | N | MaryBeth Tooley | Y |
| Zach Klyver | Y | | |
| Megan Lapp | Y | <i>Bert Jongerden (if needed)</i> | |

Additional AP input on Motion 6

- More closures will have unintended consequences and limited benefits – important to get data first – what are current impacts – suspect they are small since data to date shows limited spawners being landed from GB.

Other Business

Motion 7: Klyver/Messina

The AP respectfully requests that the Herring committee ask the NEFMC executive committee to send a letter to the Office of Management and Budget requesting that Amendment 8 to the Atlantic Herring Fishery Management Plan be released as quickly as possible.

Rationale: The council passed this amendment and NOAA approved the amendment in 2019. The New England Fishery Management Council developed Amendment 8 to specify a long-term acceptable biological catch control rule for Atlantic herring and address localized depletion and user group conflict. This amendment set out to establish an acceptable biological catch control rule that accounts for herring’s role in the ecosystem and prohibit midwater trawling in inshore federal waters from the U.S./Canada border to the Rhode Island/Connecticut border. Amendment 8 is intended to support sustainable management of the herring resource and help ensure that herring is available to minimize possible detrimental biological impacts on predators of herring and associated socioeconomic impacts on other user groups. It is important to the management of this fishery that this amendment gets finalized.

Vote: 3:6:0, motion fails

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|-------------|--------|-----------------------------------|---|
| JP Bilodeau | N | David Mussina | Y |
| Beth Casoni | absent | Gerry O’Neill | N |
| Jeff Kaelin | N | James Ruhle | N |
| Ray Kane | Y | MaryBeth Tooley | N |
| Zach Klyver | Y | | |
| Megan Lapp | N | <i>Bert Jongerden (if needed)</i> | |

Additional AP input on Motion 7

- Some AP members did not agree with rationale and did not support the Council’s recommendations for Amendment 8, so did not support this motion.
- Minority view – The Council spent a long time developing A8 with lots of public input, the Agency approved it, it should be a priority.