

2019-2021 Atlantic Herring Fishery Specifications (Framework 6)

Draft Action Plan

Council: New England Fishery Management Council

Fishery: Atlantic Herring Fishery Management Plan (FMP)

Title of Action: 2019-2021 Atlantic Herring Fishery Specifications Package

Scope: 2019-2021 Atlantic herring fishery specifications and river herring/shad (RH/S) catch caps; Atlantic herring control rule for acceptable biological catch (ABC CR)

Problem Statement/Objective of Action:

This action will set specifications and RH/S catch caps for the Atlantic herring fishery for the 2019-2021 fishing years (January 1, 2019 – December 31, 2021). This action will include both the specification of acceptable biological catch (ABC) for the Atlantic herring fishery during 2019-2021, using the long-term control rule selected in Amendment 8 for specifying acceptable biological catch (Atlantic Herring ABC CR), as well as an ABC using the interim control rule used in the last specifications package. The latter is necessary because Amendment 8 may not be effective until after the Council selects measures for this action; therefore, this action will consider an ABC based on the ABC control rule adopted in Amendment 8, as well as the interim ABC control rule used in the last specifications process, in the event Amendment 8 is not approved with a new control rule. This action will not consider a range of additional control rules, the intent of Amendment 8 was to implement a long-term policy for setting ABC; therefore, if approved, moving forward herring specifications will be more streamlined and only consider the No Action (current specifications rollover) or applying the Amendment 8 ABC control rule, if it is adopted.

It should be noted that an in-season adjustment was already implemented by NMFS to set specifications for FY2019. The in-season adjustment was necessary to prevent overfishing since this specifications package would not be in place at the start of the 2019 fishing year and rolling over specifications from 2018 would have more than a 50% probability of overfishing if left in place for FY2019. Therefore, this action includes specifications for 2019 so that it maintains a three-year specification setting process, but the measures are consistent with the specifications already put in place by the 2019 in-season adjustment.

It should also be noted that the specifications developed for 2021 may be replaced by a subsequent action. The assessment schedule has recently been revised and herring has shifted from a benchmark assessment every three years, to an update assessment every two years. Therefore, an update is expected in spring 2020, so to get specifications in sync with the new assessment schedule, a subsequent specification action will likely be developed in 2020 for fishing years 2021-2023.

The Atlantic Herring FMP requires the New England Fishery Management Council to develop annual specifications for the Atlantic herring fishery. Amendment 1 to the Herring FMP (2006)

established a process that allows the Council to set multi-year (up to three fishing years) specifications. Amendment 4 to the Herring FMP (2010) modified the specifications process and implemented provisions for annual catch limits (ACLs) and accountability measures (AMs). Amendment 4 included an interim control rule for ABC that was updated/modified in the 2013-2015 Atlantic herring fishery specifications based on advice from the Council's Scientific and Statistical Committee (SSC). Amendment 8 considered various long-term strategies for specifying an ABC control rule in the Atlantic herring FMP and is expected to be effective before this action is implemented. Framework 3 (2014) authorized the Council to set annual area-based and gear-based catch caps for RH/S and to modify provisions related to the RH/S catch caps in the Atlantic herring fishery specifications package. This document will also include RH/S catch caps for 2019-2021.

Likely Range of Alternatives to be Developed:

Atlantic herring fishery specifications for the 2019-2021 fishing years will include:

- Overfishing limit (OFL); Acceptable Biological Catch (ABC) (based on both the ABC Control Rule (ABC CR) approved in Amendment 8 as well as the interim ABC CR used in the last specification package);
- Specification of management uncertainty for the 2019-2021 fishing years;
- Stockwide Herring Annual Catch Limit (ACL)/Optimum Yield (OY);
- Domestic Annual Harvesting (DAH); Domestic Annual Processing (DAP); U.S. At-Sea Processing (USAP); Border Transfer (BT);
- Options for management area Sub-ACLs and seasonal (monthly) sub-ACL splits;
- Research Set-Asides (RSAs); Fixed Gear Set-Asides (FGSAs); and
- Options for RH/S Catch Caps (area-based and gear-based)
- This package will also update reference points based on the 2018 assessment.

Type of NEPA Analysis Expected (CE/EA/EIS):

This action is expected to require an Environmental Assessment (EA). A formal determination will be made once the range of alternatives is identified and analyzed.

Applicable Laws/Issues: *Typical issues and analyses expected at this time for all laws.*

Magnuson-Stevens Fishery Conservation and Management Act

Administrative Procedure Act

National Environmental Policy Act

Regulatory Flexibility Act

Paperwork Reduction Act

Coastal Zone Management Act

Endangered Species Act

Marine Mammal Protection Act

E.O. 12866 (Regulatory Planning and Review)

E.O. 13132 (Federalism)

Essential Fish Habitat

Information Quality Act

E.O. 13158 on Marine Protected Areas

E.O. 12898 on Environmental Justice

Herring PDT Chair: Deirdre Boelke, NEFMC Staff

NEFMC Project Manager: Deirdre Boelke, NEFMC Staff

Implementation Team Chair: Carrie Nordeen, GARFO Staff

GARFO Project Manager: Carrie Nordeen, GARFO Staff

Herring Plan Development Team Membership and Other Individuals:

	Organization	Name	Responsibility
Plan Development Team	NEFMC	Deirdre Boelke	Chair of Herring PDT, Herring FMP Coordinator Primary responsibility for development of document, EA, and other related documents
	NEFMC	Rachel Feeney	Assist with writing sections re. Fishery Impacts/Social Impact Assessment
	NMFS GARFO Sustainable Fisheries Division	Carrie Nordeen Dan Luers	Primary point of contact in NMFS for Herring FMP Identify potential policy, regulatory, and administrative issues during development and review Support with data needs and development of document
	NMFS GARFO Analysis & Program Support Division	Brant McAfee	Support Herring PDT data requests Provide catch data to develop options for herring ACLs and RH/S catch caps Identify potential monitoring issues during development and review
	NMFS GARFO NEPA	Marianne Ferguson	Review document for completeness in terms of NEPA requirements during development and review
	NEFSC Population Dynamics Branch	Jon Deroba	Technical work associated with stock assessment OFL/ABC projections Technical analyses related to ABC CR alternatives Consultation on development of measures and assist in writing biological impact analyses
	NEFSC Social Sciences Branch	Kathryn Connelly	Complete fishery/economic data requests for the PDT Develop/write Economic Impact Analyses and impacts on fishery participants Economic analyses related to ABC CR alternatives Provide RIR/RFA analyses incl. Summary of economic impacts
	Maine DMR	Matt Cieri	Provide State fishery and biological data as needed Consultation on development of measures and biological impact analyses

	Organization	Name	Responsibility
	Mass. DMF	Micah Dean	Portside sampling data assimilation/analysis Technical work for developing RH/S catch cap alternatives Consultation on development of measures and biological impact analyses
	NHFG	Renee Zobel	Provide State fishery and biological data as needed Consultation on development of measures and biological impact analyses
	NEFSC Fisheries Sampling Branch	Sara Weeks	Complete observer program data requests Identify potential monitoring/observer program issues during development and review Consultation on development of measures and impact analyses
	ASMFC	Kirby Rootes-Murdy	Consultation/coordination with ASMFC for state-federal overlapping issues
Other Individuals	NMFS GCNE	Mitch MacDonald	Consultation on potential legal issues and questions
	MAFMC	Jason Didden	Consultation/coordination with Mid-Atlantic Council to address overlapping issues with mackerel fishery
	NMFS GARFO Protected Spec. Div.	Danielle Palmer	Consultation on background information and analysis of impacts on protected resources
	NMFS GARFO SFD	Doug Cristel	Primary GARFO contact for MAFMC MSB FMP Consultation/coordination for overlapping issues with mackerel fishery
	NEFMC	Michelle Bachman	Development of background information and analyses of impacts on the physical environment and EFH
	Others TBD		

Implementation Team Membership: TBD

Organization	Name	Responsibility
NMFS GARFO SFD	Carrie Nordeen	Implementation Team Chair; primary GARFO contact for 2019-2021 Atlantic herring specifications
NMFS GARFO Analysis & Program Support Division (APSD)		
NMFS GARFO Information and Resource Mgmt. (IRM)		
Others TBD		

Implementation Team Issues:

- *Enforcement:* TBD
- *Information Resource Management (IRM):* TBD
- *Statistics:* TBD
- *Observer Coverage:* TBD
- *Administrative issues/costs:* TBD
- *Regulatory clarification/simplification:* TBD
- *Data Requirements:* TBD
- *VMS:* TBD
- *Protected Resources:* TBD
- *Plan for How to Measure the Effectiveness of the Action:* TBD
- *Other:* TBD

2019-2021 Atlantic Herring Fishery Specifications (Framework 6) – Milestones

STAFF PROJECT MANAGER: Deirdre Boelke

2018	
JUN 20-22	Council - Initiates action
JUN	Herring benchmark stock assessment workshop
SEP 26-28	Council - Selected final preferred alternative for ABC control rule in Amendment 8; requested NMFS make in-season adjustment to set 2019 catch levels to prevent overfishing
OCT	SSC recommends ABC for 2019 – 2021.
DEC 2-4	Council - Review SSC recommendations for 2019-2021 ABC; Council reaffirmed input to NMFS for 2019 in-season adjustment
2019	
FEB	NMFS final rule with 2019 specifications
FEB-MAR	Herring PDT develops analyses of sub-ACL options, specs, and river herring/shad catch cap options
APR	Council approves 2019-2021 OFL and ABCs, approves range of alternatives
MAY	Herring Committee - develop recommendations for final 2019-2021 herring fishery specifications package
JUNE	Council – Final preferred alternatives for 2019-2021 specifications
JUL	Preliminary submission of 2019-2021 specifications
AUG	NEFMC staff receives NMFS’ comments and makes revisions to specifications package
SEP	Final submission of 2019-2021 Atlantic herring fishery specifications
OCT	NMFS publishes proposed rule for 2019-2021 Atlantic herring fishery specifications
DEC	NMFS publishes final rule
2020	
JAN	Target Implementation

Worksheet 2: Herring PDT Resources

The PDT plans to form several sub-groups to complete the work for this action, as well as other 2019 work priorities outside of this action (GB spawning and MSE lessons learned).

2019/2021 Specs	<i>Time</i>	Members						<i>Brief Description</i>
Management uncertainty	<i>Feb-Apr</i>	Deirdre*	Carrie	Kirby	Brant	Dan		<i>Consider sources of uncertainty, update data for most recent years</i>
RH/S catch caps	<i>Feb-Apr</i>	Micah*	Brant	Deirdre	Matt	Dan	Carrie	<i>Review FW3 and 2016-2018 specs - methods, pros/cons, summarize updated data if needed, brainstorm alternatives and analysis</i>
Sub-ACL % allocations	<i>Feb-Apr</i>	Deirdre*	Jon	Brant	Matt	Dan	Carrie	<i>Review 2013-2015 action, summarize any available bio info about sub-components, mixing etc.</i>
Other	<i>Time</i>	Members						<i>Brief Description</i>
GB spawning	<i>May-Sept</i>	Matt*	Kirby	Micah	Renee	Deirdre		<i>Review historical papers about spawning, investigate acoustic work, make recommendation about how ASMFC funds could be best used to support this effort.</i>
MSE lessons learned	<i>Sept-Dec</i>	Rachel*	Jon	Deirdre				<i>Synthesize input from tech team, Council, and stakeholders about Herring MSE process, develop lessons learned, pros/cons.</i>
<i>* Lead PDT member</i>								

Worksheet 3: Implementation

Worksheet (see separate file) is used by the Project Manager at GARFO to track all of the levels of review that must be acquired for the action.

Action Plan Versions:

Version	Date	Change Description
1	May 31, 2018	Initial Action plan reviewed by Herring Committee to initiate action
2	February 1, 2019	Updated to incorporate modifications needed from 2019 in-season action, new assessment schedule, and Amendment 8 timeline adjustments.
3		
4		
5		