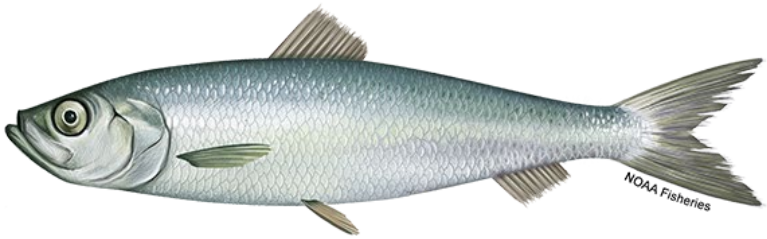
Atlantic Herring Fishery Management Plan

Amendment ## or Framework Adjustment

Including an Environmental Assessment,
Regulatory Flexibility Analysis, and
Stock Assessment and Fishery Evaluation



DRAFT Discussion Document

Council

June 11, 2026

Prepared by the
New England Fishery Management Council
In consultation with the
National Marine Fisheries Service,
Mid-Atlantic Fishery Management Council, and
Atlantic States Marine Fisheries Commission

New England
Fishery Management Council

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AMENDMENT XX or FRAMEWORK ADJUSTMENT XX TO THE ATLANTIC HERRING FISHERY MANAGEMENT PLAN

Proposed Action: Propose a XX.

Responsible Agencies:

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Abstract:

The New England Fishery Management Council, in consultation with NOAA's National Marine Fisheries Service, has prepared Amendment XX or Framework Adjustment XX to the Atlantic Herring Fishery Management Plan, which includes an Environmental Assessment. The proposed action focuses on XX. The document describes the affected environment and valued ecosystem components and analyzes the impacts of the alternatives on both. It addresses the requirements of the Magnuson Stevens Fishery Conservation and Management Act, the National Environmental Policy Act, the Regulatory Flexibility Act, and other applicable laws.

1.0 EXECUTIVE SUMMARY

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3.0 BACKGROUND AND PURPOSE

3.1 BACKGROUND

3.1.1 Background on Carryover Provisions in the Atlantic Herring Fishery

Framework 2 to the Atlantic Herring FMP established carryover provisions for the fishery and were intended to increase flexibility and efficiency in the herring fishery while continuing to achieve the biological objectives of the FMP. Under this provision, up to 10% of unutilized herring sub-ACL in a management area would roll over to the corresponding sub-ACL for a future year. The recommendation put forward by the Council noted several provisions that would apply to allowing carryover, including: all accountability measures would continue to apply to the sub-ACLs and stockwide ACL; carryovers are based on initial sub-ACL allocations for the fishing year; sub-ACL underages are determined based on the same methodology used to determine overages; sub-ACL carryovers are only authorized if the total ACL is not exceeded; and provisions for carryovers (including percentages and amounts), can be modified through the herring fishery specifications process, frameworks, or amendments (NEFMC 2013). While carryover increases the sub-ACL in a future fishing year, the stockwide ACL for that year would remain unchanged. Generally, there is a one-year lag to implement carryover.

The carryover provision has been used several times since its implementation, with more intermittent applications in recent years. In 2024, the Council requested that NMFS employ its in-season adjustment authority to nullify carryover from FY 2023 to FY 2025 in Areas 1B and 2[1]. This was intended to avoid adding more quota to a sub-ACL that could not be utilized, or to prevent adding to a sub-ACL that would impact other management area sub-ACLs[2].

Table 1. DRAFT Carryover and/or reductions implemented in the Atlantic herring fishery, 2015-2025.

Year	Carryover and/or Reductions			
	Area 1A	Area 1B	Area 2	Area 3
2015	321	460	3,000	4,170
2016	133	-1,521	3,000	3,092
2017	1,724	460	3,000	4,200
2018	2,693	N/A	2,910	4,090
2019	None?			
2020	None?			
2021	None?			
2022*	N/A	N/A	156	219
2023	None?			
2024	N/A	N/A	114	N/A
2025	0	0	0	0

*Up to 5% carryover allowed in 2022.
Note: Year listed is the year when carryover was applied, not the year when sub-ACL underages/overages were incurred.

[1]Interim Final Rule, In-Season Adjustment to the Atlantic Herring FMP, effective December 19, 2024. https://d23h0vhsm26o6d.cloudfront.net/2024-30083.pdf

[2] NEFMC to GARFO re: herring in-season adjustment. https://d23h0vhsm26o6d.cloudfront.net/241004-NEFMC-to-GARFO-re-Atlantic-Herring-In-Season-Adjustment.pdf

3.1.2 Background on River Herring and Shad Measures

Amendment 10 (A10) to the Atlantic Herring FMP was initiated in September 2023 to "address spatial and temporal allocation and management of Atlantic herring at the management unit level to minimize user conflicts, contribute to optimum yield, and support rebuilding of the resource." The Council revised the A10 problem statement in January 2024 to include river herring and shad avoidance and catch reduction alternatives. In Spring 2024, the Council conducted public scoping, consisting of six scoping meetings and a 60-day comment period. Many of the comments included references to river herring and shad topics (i.e., ecosystem role, incidental catch/bycatch, population status, restoration efforts). The Council paused work on A10 in April 2025 to shift to another work priority and discussed it during the annual priority setting process in December 2025, at which point the Council opted to remove the river herring and shad work from A10 and include it in this action.

3.2 Purpose and Need

This action is intended to help meet the goals and objectives of the Atlantic Herring Fishery Management Plan. The purpose of this action is to set specifications for Atlantic herring for fishing years 2027-2031, modify management measures for river herring (alewife and blueback herring) and shad (American shad and hickory shad) and modify other fishery management measures (i.e., specifications process and carryover) (Table 1).

Table 2. Need and purpose for this action.

Need	Purpose
To reduce and streamline regulations.	Modify the specification process.
To prevent overfishing and promote the full utilization of optimum yield (OY).	Specify OFL and ABC and set specifications for the 2027-2031 fishing years.
To provide for flexibility to not allow carryover of unharvested catch.	Modify carryover provisions.
To avoid or minimize catch of river herring and shad.	Modify river herring and shad management measures..

Atlantic Herring Fishery Management Plan Goals and Objectives

Goal: Manage the Atlantic herring fishery at long-term sustainable levels consistent with the National Standards of the Magnuson-Stevens Fishery Conservation and Management Act.

Objectives:

1) Harvest the Atlantic herring resource consistent with the definition of overfishing contained in the Herring FMP and prevent overfishing.
2) Prevent the overfishing of discrete spawning components of Atlantic herring.
3) Avoid patterns of fishing mortality by age which adversely affect the age structure of the stock.
4) Provide for the orderly development of the herring fishery in inshore and offshore areas, taking into account the viability of current and historical participants in the fishery.

5) Provide for long-term, efficient, and full utilization of the optimum yield from the herring fishery while minimizing waste from discards in the fishery. Optimum yield is the amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, taking into account the protection of marine ecosystems, including maintenance of a biomass that supports the ocean ecosystem, predator consumption of herring, and biologically sustainable human harvest. This includes recognition of the importance of Atlantic herring as one of many forage species of fish, marine mammals, and birds in the Northeast Region.
6) Prevent excess capacity in the harvesting sector.
7) Minimize, to the extent practicable, the race to fish for Atlantic herring in all management areas.
8) Provide, to the extent practicable, controlled opportunities for fishermen and vessels in other Mid-Atlantic and New England fisheries.
9) Promote and support research, including cooperative research, to improve the collection of information to better understand herring population dynamics, biology and ecology, and to improve assessment procedures.
10) Promote compatible U.S. and Canadian management of the shared stocks of herring.
11) Continue to implement management measures in close coordination with other Federal and State FMPs and the ASMFC management plan for Atlantic herring, and promote real-time management of the fishery.

4.0 ALTERNATIVES UNDER CONSIDERATION

The Council considered the alternatives in this section. It did not consider any others because these provide a reasonable range of alternatives to address the purpose and need for action described in Section 3.2.

4.1 ACTION 1 – ATLANTIC HERRING SPECIFICATIONS PROCESS

4.1.1 Alternative 1 - No Action

REGULATIONS SUMMARY

Note: Pending changes through Omnibus Management Flexibility Amendment (Amendment 11 to the Atlantic Herring FMP), which would allow for specifications to be set for up to five years at a time.

Regulations	Reference
§ 648.200 Specifications. (a) The Atlantic Herring Plan Development Team (PDT) shall meet at least every 3 years, but no later than July of the year before new specifications are implemented, with the Atlantic States Marine Fisheries Commission's (Commission) Atlantic Herring Technical Committee (TC) to develop and recommend the following specifications for a period of 3 years for consideration by the New England Fishery Management Council's Atlantic Herring Oversight Committee: Overfishing Limit (OFL), Acceptable Biological Catch (ABC), Annual Catch Limit (ACL), Optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), U.S. at-sea processing (USAP), border transfer (BT), the sub-ACL for each management area, including seasonal periods as specified at § 648.201(d) and modifications to sub-ACLs as specified at § 648.201(f), the amount to be set aside for the RSA (from 0 to 3 percent of the sub-ACL from any management area), and river herring and shad catch caps, as specified in § 648.201(a)(4). Recommended specifications shall be presented to the New England Fishery Management Council. (1) The PDT shall meet with the Commission's TC to review the status of the stock and the fishery and prepare a Stock Assessment and Fishery Evaluation (SAFE) report at least every 3 years. The Herring PDT will meet at least once during interim years to review the status of the stock relative to the overfishing definition if information is available to do so. When conducting a 3-year review and preparing a SAFE Report, the PDT/TC will recommend to the Council/Commission any necessary adjustments to the specifications for the upcoming 3 years. (2) If the Council determines, based on information provided by the PDT/TC or other stock-related information, that the specifications should be adjusted during the 3-year time period, it can do so through	50 CFR 648.200

the same process outlined in this section during one or both of the interim years.

(b) ***Guidelines.*** As the basis for its recommendations under paragraph (a) of this section, the PDT shall review available data pertaining to: Commercial and recreational catch data; current estimates of fishing mortality; discards; stock status; recent estimates of recruitment; virtual population analysis results and other estimates of stock size; sea sampling and trawl survey data or, if sea sampling data are unavailable, length frequency information from trawl surveys; impact of other fisheries on herring mortality; and any other relevant information. The specifications recommended pursuant to paragraph (a) of this section must be consistent with the following:

(1) OFL must be equal to catch resulting from applying the maximum fishing mortality threshold to a current or projected estimate of stock size. When the stock is not overfished and overfishing is not occurring, this is the fishing rate supporting maximum sustainable yield (*e.g.,* F_{MSY} or proxy). Catch that exceeds this amount would result in overfishing. The stock is considered overfished if stock biomass is less than 1/2 the stock biomass associated with the MSY level or its proxy (*e.g.,* SSB_{MSY} or proxy). The stock is considered subject to overfishing if the fishing mortality rate exceeds the fishing mortality rate associated with the MSY level or its proxy (*e.g.,* F_{MSY} or proxy).

(2) ABC must be less than the OFL. The Council's Scientific and Statistical Committee (SSC) shall recommend ABC to the Council by applying the ABC control rule and considering scientific uncertainty. Scientific uncertainty, including, but not limited to, uncertainty around stock size estimates, variability around estimates of recruitment, and consideration of ecosystem issues, shall be considered when setting ABC.

(3) ACL must be equal to or less than the ABC. Management uncertainty, which includes, but is not limited to, expected catch of herring in the New Brunswick weir fishery and the uncertainty around discard estimates of herring caught in Federal and state waters, shall be considered when setting the ACL. Catch in excess of the ACL shall trigger accountability measures (AMs), as described in § 648.201(a).

(4) OY may not exceed OFL (*i.e.,* MSY) and must take into account the need to prevent overfishing while allowing the fishery to achieve OY on a continuing basis. OY is prescribed on the basis of MSY, as reduced by social, economic, and ecological factors. OY may equal DAH.

(5) DAH is comprised of DAP and BT.

(6) River herring and shad catch caps may be allocated to the herring fishery by the following: Species, as defined in § 648.2, either separately or combined; area as specified in paragraph (f)(7) of this section; vessel permit; gear type; or any combination of these. (c) The Atlantic Herring Oversight Committee shall review the recommendations of the PDT and shall consult with the Commission's Herring Board. Based on these recommendations and any public comment received, the Herring Oversight Committee shall recommend to the Council appropriate specifications for a 3-year period. The Council shall review these recommendations and, after considering public comment, shall recommend appropriate 3-year specifications to NMFS. NMFS shall review the recommendations, consider any comments received from the Commission, and publish notification in the Federal Register proposing 3-year specifications. If the proposed specifications differ from those recommended by the Council, the reasons for any differences shall be clearly stated and the revised specifications must satisfy the criteria set forth in paragraph (b) of this section. (d) NMFS shall make a final determination concerning the specifications for Atlantic herring. Notification of the final specifications and responses to public comments shall be published in the Federal Register. If the final specification amounts differ from those recommended by the Council, the reason(s) for the difference(s) must be clearly stated and the revised specifications must be consistent with the criteria set forth in paragraph (b) of this section. The previous year's specifications shall remain effective until they are revised through the specification process.	

Under the no action alternative, the process for setting Atlantic herring specifications would remain unchanged.

Overview

Specifications for the Atlantic herring fishery are annual amounts specified for the fishing year (January – December), and are typically updated every two years. Some of the specifications values such as the overfishing limit, acceptable biological catch, and annual catch limit are updated during each cycle based on new fishery data, stock assessment results, and other information sources. Other specifications have remained static in value for a number of years, such as border transfer, the fixed gear set-aside, and river herring and shad catch caps. Table 2 defines each herring fishery specification, including how frequently the values and/or methods are updated. Specifications that have remained set to 0 for a number of years are highlighted in green.

Definitions of Specifications currently set to 0 (Adapted from Herring Framework 8)

Border Transfer: The Border Transfer (BT) specification is U.S.-caught herring transshipped to Canada via Canadian carrier vessels and used for human consumption. This specification is not a set-aside; rather, it is a maximum weight of Atlantic herring caught by U.S. vessels from Area 1A that can be transshipped to Canadian vessels for human consumption. GARFO tracks BT utilization through a separate dealer

code. Note that setting border transfer at a value above 0 does not require that such transfers occur, but it provides the possibility for transfer, as opposed to, for example, selling the herring for bait.

US At-Sea Processing: The Atlantic Herring FMP states that "part of DAP may be allocated for at-sea processing by domestic vessels that exceed the vessel size limits" (Herring FMP, Section 3.6.6). This allocation will be called the 'U.S. at-sea processing' (USAP) allocation. The term 'at-sea processing' refers to processing activities that occur in the Exclusive Economic Zone outside state waters. When determining this specification, the Council will consider the availability of other processing capacity, development of the fishery, status of the resource, and opportunities for vessels to enter the herring fishery." The USAP specification serves as a cap for USAP activities, it is not a separate allocation but a limit within the domestic catch limit to be used for this purpose.

During the 2007-2009 fishing years, the Council maintained a USAP specification of 20,000 mt (Areas 2/3 only) based on information received about a new at-sea processing vessel that intended to utilize a substantial amount of the USAP specification. At that time, landings from Areas 2 and 3 – where USAP is authorized – were considerably lower than allocated sub-ACLs for each of the past several years. Moreover, the specification of 20,000 mt for USAP did not restrict either the operation or the expansion of the shoreside processing facilities during the 2007-2009 fishing years. However, this operation never materialized, and none of the USAP specification was used during the 2007-2009 fishing years. The Council has set USAP at zero in each specifications cycle since 2010.

Research Set-Aside: The Research Set-Aside (RSA) program is a competitive grants process administered by the Northeast Fisheries Science Center. Proposals are requested for research, and incoming proposals are reviewed and ranked by a technical body. With competitive grants awarded through this process, different entities will apply. In the past, the Council has allocated either 0% or 3% of the sub-ACL for each management area for the RSA program. The regulations allow a set-aside of up to 3% in any or all herring management areas. The RSA program has not been active in recent years, and the set-aside has been set to 0% since 2023.

Table 3. Atlantic herring specifications.

Herring Fishery Specification		Description
Overfishing Limit (OFL)		Updated every specifications action using ABC control rule
Acceptable Biological Catch (ABC)		Updated every specifications action using ABC control rule
Optimum Yield (OY)/Annual Catch Limit (ACL)		Updated every specifications action; ABC - management uncertainty
Management Area sub-ACLs	Area 1A (28.9%)	Percentages have remained static; values updated every specifications action based on ACL
	Area 1B (4.3%)	
	Area 2 (27.8%)	
	Area 3 (39%)	
Management Uncertainty buffer		Calculated as most recent 10-year average catch from the Canadian/ New Brunswick weir fishery
Domestic annual harvest (DAH)		Equivalent to or less than ACL/OY; value updated every specifications action
Domestic annual processing (DAP)		DAP = DAH – border transfer specification; value updated every specifications action
Border Transfer (BT)		US-caught herring shipped to BT was set to 4,000 mt from start of herring FMP through 2018; revised to 0 mt for 2019 using an in-season adjustment. Has been set to 0 mt since 2019
US at-sea processing (USAP)		Has been set to 0 mt since 2010
Fixed gear set-aside		Allocated for fixed gear fisheries in Area 1A; Set to 30 mt since 2020
Research set-aside (RSA)		Grant process administered by NEFSC. Value is set as a percentage of the sub-ACL for any or all herring management areas, up to 3%. Has historically been either 0% or 3%; no herring RSA program in recent years, set to 0% since 2023.
River herring and shad (RH/S) catch caps		Values set based on the reference period (2008-2014); current values have not changed since 2016.

4.1.2 Alternative 2 – Update the Specifications Process

- Revise to make the process regulations less prescriptive

4.2 Action 2 – Atlantic Herring Specifications for 2027-2031

4.2.1 Alternative 1 – No Action

The No Action is the specifications from the 2025-2027 specifications action (Table 3 and Table 4).

Table 4. Summary of Atlantic herring fishery specifications (mt).

	2026	2027
Overfishing Limit (OFL)	23,491	31,075
Acceptable Biological Catch (ABC)	13,165	13,165
Management Uncertainty*	4,031	4,031
Optimum Yield (OY) / Annual Catch Limit (ACL)	9,134	9,134
Domestic Annual Harvest (DAH)	9,134	9,134
Border Transfer (BT)	0	0
Domestic Annual Processing (DAP)	9,134	9,134
US At-Sea Processing (USAP)	0	0
Area 1A sub-ACL (28.9%)	2,640	2,640
Area 1B sub-ACL (4.3%)	393	393
Area 2 sub-ACL (27.8%)	2,539	2,539
Area 3 sub-ACL (39%)	3,562	3,562
Fixed Gear Set-Aside	30	30
Research Set-Aside (RSA) as % of sub-ACL	0%	0%

** If the New Brunswick weir fishery landings through October 1 are less than the associated "trigger," then 1,000 mt will be subtracted from the management uncertainty buffer and added to the Area 1A sub-ACL and the ACL.*

Table 5. Summary of river herring and shad (RH/S) catch caps (mt).

Catch Cap	2026	2027
Midwater Trawl Gulf of Maine	76.7	76.7
Midwater Trawl Cape Cod	32.4	32.4
Midwater Trawl Southern New England and Mid-Atlantic	129.6	129.6
Bottom Trawl Southern New England and Mid-Atlantic	122.3	122.3

4.2.2 Alternative 2 – Updated Specifications

- Based on 2026 management track stock assessment and recommendations from the Scientific and Statistical Committee (SSC)
- Evaluation of management uncertainty, including Canadian catch
    - PDT recommends to continue to use 10 year most recent average, citing prior analysis and discussions
    - PDT completed an Area 1A transfer analysis (See Appendix II)
- Identify status quo specifications
    - PDT recommends no changes to the approach and to follow what's outlined for 2025-2027 specifications
    - Committee tasked the PDT to preliminarily set border transfer, research set-aside, and US at-sea processing to zero.

- Committee tasked the PDT to include an alternative to increase the Fixed Gear Set-Aside from 30 to 45 mt.
- Summarize in a table to compare combinations of the options, as appropriate

Table 6. Summary of proposed Atlantic herring fishery specifications (mt).

	2027	2028	2029	2030	2031
Overfishing Limit (OFL)					
Acceptable Biological Catch (ABC)					
Management Uncertainty*					
Optimum Yield (OY) / Annual Catch Limit (ACL)					
Domestic Annual Harvest (DAH)					
Border Transfer (BT)	0	0	0	0	0
Domestic Annual Processing (DAP)					
US At-Sea Processing (USAP)	0	0	0	0	0
Area 1A sub-ACL (28.9%)					
Area 1B sub-ACL (4.3%)					
Area 2 sub-ACL (27.8%)					
Area 3 sub-ACL (39%)					
Fixed Gear Set-Aside	Option 1. 30 Option 2. 45	Option 1. 30 Option 2. 45	Option 1. 30 Option 2. 45	Option 1. 30 Option 2. 45	Option 1. 30 Option 2. 45
Research Set-Aside (RSA) as % of sub-ACL	0%	0%	0%	0%	0%

- ** If the New Brunswick weir fishery landings through October 1 are less than the associated "trigger," then 1,000 mt will be subtracted from the management uncertainty buffer and added to the Area 1A sub-ACL and the ACL.*

4.3 Action 3 – Carryover of Unharvested Catch

4.3.1 Alternative 1 – No Action

REGULATIONS SUMMARY

Regulations	Reference
(g) ***Carryover.*** (1) Subject to the conditions described in this paragraph (g), unharvested catch in a herring management area in a fishing year (up to 10 percent of that area's sub-ACL) shall be carried over and added to the sub-ACL for that herring management area for the fishing year following the year when total catch is determined. For example, NMFS will determine total catch from Year 1 during Year 2, and will add carryover to the applicable sub-ACL(s) in Year 3. All such carryover shall be based on the herring management area's initial sub-ACL allocation for Year 1, not the sub-ACL for Year 1 as increased by carryover or	50 CFR 648.201(g)

decreased by an overage deduction, as specified in paragraph (a)(3) of this section. All herring caught from a herring management area shall count against that area's sub-ACL, as increased by carryover. For example, if 100 mt of herring is added as carryover from Year 1 to a 5,000 mt sub-ACL in Year 3, catch in that management area would be tracked against a total sub-ACL of 5,100 mt. NMFS shall add sub-ACL carryover only if catch does not exceed the Year 1 ACL, specified consistent with § 648.200(b)(3). The ACL, consistent with § 648.200(b)(3), shall not be increased by carryover specified in this paragraph (g). (2) No unharvested catch will be carried over and added to any management area sub-ACL for the 2025 and 2026 fishing years.	

Under the no action alternative, carryover of unharvested Atlantic herring catch would continue annually, as applicable.

4.3.2 Alternative 2 – Modify Carryover Provisions

- Allow for flexibility to not allow carryover of unharvested catch
- Committee tasked the PDT to develop two alternatives for carryover: no action, and "an item to allow for improved flexibility such that the Council could recommend annual changes dependent on best available data from the fishery"
- See Appendix II for preliminary carryover analysis from fishing year 2025 into fishing year 2027

4.4 Action 4 – River Herring and Shad Management Measures

Overview

Amendment 5 to the Atlantic Herring FMP established the mechanism for developing a river herring and shad catch cap, allowing for development in a subsequent framework adjustment. Framework Adjustment 3 established the process for setting and modifying the catch caps, identified the catch cap areas, and selected amounts for the 2014 and 2015 catch caps. The action also adjusted VMS reporting requirements to allow NMFS to monitor the catch caps, and instituted an in-season trigger that would reduce the possession limit in a catch cap area to 2,000 lb when 95% of river herring and shad catch for the area is projected to be reached. These catch caps were derived from catch during a 2008-2012 'reference period', based on a gear and area-based analysis, and remained in place for the 2015 fishing year.

Catch caps can be updated through a specifications action and were subsequently revised. During the 2016- 2018 specification process, the catch cap values were derived using a different mathematical approach and were based on catch during a lengthened (2008-2014) 'reference period' (still a period before catch caps were adopted). The catch cap values have remained unchanged since 2016.

Catch Cap Areas

There are four river herring and shad catch cap areas: Gulf of Maine, Cape Cod, Southern New England/Mid-Atlantic, and Georges Bank (Map 1). The catch caps are defined spatially and by gear type: Gulf of Maine Midwater Trawl, Cape Cod Midwater Trawl, Southern New England Midwater Trawl, and Southern New England Bottom Trawl (Table 4). The river herring and shad catch caps are monitored based on the Atlantic herring fishing year (January 1 – December 31). Presently, there is no cap specified for the Georges Bank Catch Cap Area. In the Atlantic mackerel fishery, any trip landing 20,001 lb or

more of mackerel is counted against the mackerel fishery's river herring and shad catch cap, which is an annual allocation not divided by season, area or gear type.

River Herring and Shad Avoidance Areas

In February 2014, Amendment 5 (A5) to the Atlantic herring FMP established several measures to address river herring catch in the Atlantic herring fishery, including: river herring monitoring/avoidance areas, a mechanism for developing a river herring bycatch avoidance strategy, and the ability to consider implementing river herring catch caps for the directed Atlantic herring fishery through a future framework adjustment to the FMP. The bycatch avoidance program, a collaboration between the University of Massachusetts Dartmouth School for Marine Science and Technology, Massachusetts Division of Marine Fisheries, the Commercial Fisheries Research Foundation, the commercial fishing industry, and other organizations was discontinued in 2021. A5 also examined time/area closure alternatives, which would have prohibited directed herring fishing in areas/times that were identified as river herring protection areas during a designated time or in river herring trigger areas when a certain catch trigger was reached, though neither of these options were selected as the preferred approach at the time. Additional information regarding A5 is available in the June 9, 2023 PDT memo and on the NEFMC website.

PDT Analysis

See Appendix III for an overview of PDT analysis for river herring and shad.

4.4.1 Alternative 1 – No Action

Under this alternative, river herring and shad management measures, including river herring and shad catch caps, catch cap areas, and avoidance areas, would remain unchanged. These measures would remain in place unless changed in a future action.

REGULATIONS SUMMARY

Regulations	**Reference**
(4) ***River Herring Monitoring/Avoidance Areas*** —	50 CFR 648.200(f)(4)
(i) ***January-February River Herring Monitoring/Avoidance Areas.*** The January-February River Herring Monitoring/Avoidance Areas include four sub-areas. Each sub-area includes the waters bounded by the coordinates below, connected in the order listed by straight lines unless otherwise noted.	See CFR for sub-areas and coordinates.
(ii) ***March-April River Herring Monitoring/Avoidance Areas.*** The March-April River Herring Monitoring/Avoidance Areas include five sub-areas. Each sub-area includes the waters bounded by the coordinates below, connected in the order listed by straight lines unless otherwise noted.	
(iii) ***May-June River Herring Monitoring/Avoidance Areas.*** The May-June River Herring Monitoring/Avoidance Areas include two sub-areas. Each sub-area includes the waters bounded by the coordinates below, connected in the order listed by straight lines unless otherwise noted.	
(iv) ***July-August River Herring Monitoring/Avoidance Areas.*** The July-August River Herring Monitoring/Avoidance Areas include two sub-areas. Each sub-area includes the waters bounded by the coordinates below, connected in the order listed by straight lines unless otherwise noted.	

(v) ***September-October River Herring Monitoring/Avoidance Areas.*** The September-October River Herring Monitoring/Avoidance Areas include two sub-areas. Each sub-area includes the waters bounded by the coordinates below, connected in the order listed by straight lines unless otherwise noted. (vi) ***November-December River Herring Monitoring/Avoidance Areas.*** The November-December River Herring Monitoring/Avoidance Areas include two sub-areas. Each sub-area includes the waters bounded by the coordinates below, connected in the order listed by straight lines unless otherwise noted.	
(7) ***River herring and shad catch cap areas —*** (i) ***Gulf of Maine Catch Cap Area.*** The Gulf of Maine Catch Cap Area is composed of the portions of Greater Atlantic Region Statistical Areas #464, #465, #467, #511, #512, #513, #514, and #515 in U.S. waters. The Gulf of Maine Catch Cap Area is bounded on the west by the coastline of the United States, bounded on the east by the U.S.-Canada Maritime Boundary, and bounded on the south by the following coordinates connected by straight lines in the order listed: (ii) ***Cape Cod Catch Cap Area.*** The Cape Cod Catch Cap Area is composed of Greater Atlantic Region Statistical Area #521, and is defined by the following points connected in the order listed by straight lines unless otherwise noted: (iii) ***Georges Bank Catch Cap Area***. The Georges Bank Catch Cap Area is composed of the portions of Greater Atlantic Region Statistical Areas #522, #525, #526, #541, #542, #543, #561, #562, and #640 in U.S. waters, and is defined by the following points, connected in the order listed by straight lines unless otherwise noted: (iv) ***Southern New England/Mid-Atlantic Catch Cap Area.*** The coordinates of this area are the same as Management Area 2 (South Coastal Area), as specified in paragraph (f)(2) of this section.	50 CFR 648.200(f)(7) See CFR for each area's coordinates.
(8) ***River herring and shad catch cap closure areas—*** (i) ***Gulf of Maine Catch Cap Closure Area.*** The coordinates of this area are the same as the Gulf of Maine Catch Cap Area, as specified in paragraph (f)(7)(i) of this section. (ii) ***Cape Cod Catch Cap Closure Area.*** The coordinates of this area are the same as the Cape Cod Catch Cap Area, as specified in paragraph (f)(7)(ii) of this section. (iii) ***Georges Bank Catch Cap Closure Area.*** The coordinates of this area are the same as the Georges Bank Catch Cap Area, as specified in paragraph (f)(7)(iii) of this section. (iv) ***Southern New England/Mid-Atlantic Catch Cap Closure Area.*** The Southern New England/Mid-Atlantic Catch Cap Closure Area is composed of the portions of Greater Atlantic Region Statistical Areas #537, #538, #539, #611, #612, #613, #614, #615, #616, #621, #622, #623, #625, #626, #627, #631, #632, #635, and #636 in US waters, and is defined by the following coordinates, connected by straight lines in the order listed unless otherwise noted:	50 CFR 648.200(f)(8)

(4) ***River herring and shad catch cap.*** (i) The catch from all trips that land more than 6,600 lb (3 mt) of herring shall apply to the river herring and shad catch cap in the herring fishery. Caps by gear and by area shall be established through the specifications process described in § 648.201. (ii) Beginning on the date that NMFS projects that river herring and shad catch will reach 95 percent of a catch cap for specified gear applicable to an area specified in § 648.200(f)(7) for the remainder of the fishing year, vessels may not attempt or do any of the following: Fish for, possess, transfer, receive, land, or sell more than 2,000 lb (907.2 kg) of Atlantic herring per trip using the applicable gear in the applicable catch cap closure area, specified in § 648.200(f)(8), and from landing herring more than once per calendar day, except as provided in paragraphs (b) and (c) of this section. NMFS shall implement these restrictions in accordance with the APA.	50 CFR 648.201(a)(4)

4.4.2 Alternative 2 – Establish Time/Area Closures within Atlantic Herring Management Areas 1B, 2 and 3

- PDT's species distribution models as a basis
- Committee recommends developing alternatives in herring area management areas 1B, 2 and 3
- Committee provided initial guidance on criteria for time/area closures and evaluation metrics to compare amongst options
- Committee recommends development of two sets of alternatives in this section:
    1. time/area closures without the current catch caps, and
    2. time/area closures with the current catch caps (see No Action).

4.5 Considered but Rejected Alternatives

[To be completed as needed.]

5.0 AFFECTED ENVIRONMENT

[To be completed.]

5.1 INTRODUCTION

The Affected Environment is described in this action based on valued ecosystem components (VECs), including target species, non-target species, predator species, physical environment and Essential Fish Habitat (EFH), protected resources, and human communities. VECs represent the resources, areas and human communities that may be affected by the alternatives under consideration in this amendment. VECs are the focus since they are the "place" where the impacts of management actions occur.

5.2 TARGET SPECIES

5.3 NON-TARGET SPECIES

5.4 PROTECTED SPECIES

5.5 PHYSICAL ENVIRONMENT AND ESSENTIAL FISH HABITAT

5.6 HUMAN COMMUNITIES

6.0 ENVIRONMENTAL IMPACTS OF ALTERNATIVES

The impacts of the alternatives under consideration are evaluated herein relative to the valued ecosystem components (VECs) described in the Affected Environment (Section 5.0) and to each other.

[To be completed.]

6.1 INTRODUCTION

This action evaluates the potential impacts using the criteria in Table 5.

Table 7. General definitions for impacts and qualifiers relative to resource condition (i.e., baseline).

VEC	Resource Condition	Impact of Action		
		Positive (+)	Negative (-)	No Impact (0)
Target and Non-target Species	Overfished status defined by the MSA	Alternatives that would maintain or are projected to result in a stock status above an overfished condition*	Alternatives that would maintain or are projected to result in a stock status below an overfished condition*	Alternatives that do not impact stock / populations
ESA-listed Protected Species (endangered or threatened)	Populations at risk of extinction (endangered) or endangerment (threatened)	Alternatives that contain specific measures to ensure no interactions with protected species (e.g., no take)	Alternatives that result in interactions/take of listed resources, including actions that reduce interactions	Alternatives that do not impact ESA listed species
MMPA Protected Species (not also ESA listed)	Stock health may vary but populations remain impacted	Alternatives that will maintain takes below PBR and approaching the Zero Mortality Rate Goal	Alternatives that result in interactions with/take of marine mammal species that could result in takes above PBR	Alternatives that do not impact MMPA Protected Species
Physical Environment / Habitat / EFH	Many habitats degraded from historical effort (see condition of the resources table for details)	Alternatives that improve the quality or quantity of habitat	Alternatives that degrade the quality, quantity or increase disturbance of habitat	Alternatives that do not impact habitat quality
Human Communities (Social and Economic)	Highly variable but generally stable in recent years (see condition of the resources table for details)	Alternatives that increase revenue and social well-being of fishermen and/or communities	Alternatives that decrease revenue and social well-being of fishermen and/or communities	Alternatives that do not impact revenue and social well-being of fishermen and/or communities

Impact Qualifiers		
A range of impact qualifiers is used to indicate any existing uncertainty	Negligible	To such a small degree to be indistinguishable from no impact
	Slight (sl) as in slight positive or slight negative	To a lesser degree / minor
	Moderately (M) positive or negative	To an average degree (i.e., more than “slight”, but not “high”)
	High (H), as in high positive or high negative	To a substantial degree (not significant unless stated)
	Significant (in the case of an EIS)	Affecting the resource condition to a great degree, see 40 CFR 1508.27.
	Likely	Some degree of uncertainty associated with the impact
*Actions that will substantially increase or decrease stock size, but do not change a stock status may have different impacts depending on the particular action and stock. Meaningful differences between alternatives may be illustrated by using another resource attribute aside from the MSA status, but this must be justified within the impact analysis.		

6.2 Impacts on Target Species

6.3 Impacts on Non-target Species

6.4 Impacts on Protected Species

6.5 Impacts on Physical Environment and Essential Fish Habitat

6.6 Impacts on Human Communities

6.7 Cumulative Effects Analysis

7.0 APPLICABLE LAWS/EXECUTIVE ORDERS

[To be completed.]

7.1 NATIONAL ENVIRONMENTAL POLICY ACT

7.1.1 Opportunity for Public Comment

This action was developed from [add dates], and there were XX public meetings related to this action (Table 6). Opportunities for public comment occurred at Advisory Panel (AP), Committee, Scientific and Statistical Committee (SSC), and Council meetings. There were more limited opportunities to comment at Plan Development Team (PDT) and ASMFC's Technical Committee (TC) meetings. Meeting discussion documents and summaries are available at www.nefmc.org.

Table 8. Public meetings related to this action, subject to change.

Date	Meeting Type	Location
12/15/2025	PDT	Webinar
01/29/2026	Council	Webinar
03/02/2026	PDT	Webinar
03/23/2026	AP	Webinar
04/16/2026	Council	Portland, ME + Webinar
04/27/2026	PDT	Webinar
05/20/2026	AP	Gloucester, MA + Webinar
05/21/2026	Committee	Gloucester, MA + Webinar
05/26/2026	PDT	Webinar
06/08/2026	Joint AP/Committee	Portsmouth, NH + Webinar
06/09/2026	PDT	Webinar
06/23-25/2026	Council	Mystic, CT + Webinar
06/29-30/2026	Peer Review: Atlantic Herring Stock Assessment	Woods Hole, MA
TBD	PDT/TC	Webinar
08/11-12/2026	SSC: OFLs/ABCs for Atlantic Herring	Location TBD + Webinar
TBD	PDT/TC	Webinar
08/24/2026	Sub-Panel SSC: River Herring/Shad	Webinar
TBD	PDT	Webinar
09/02/2026	Joint AP/Committee	Location TBD + Webinar
TBD	PDT	Webinar
09/15-17/2026	Council (final action)	Plymouth, MA + Webinar

8.0 GLOSSARY

[To be completed.]

9.0 REFERENCES

[To be completed.]

10.0 INDEX

[To be completed.]