DECISION DOCUMENT

Atlantic Herring Framework Adjustment 8

This document was developed to help the Council select final preferred alternatives for Framework 8.

September 25, 2020

Anticipated Council Action:

1. Prior to selecting final preferred alternatives, the Council will receive a presentation on measures under consideration in Herring Framework 8 and their analyzed impacts on target species, non-target species, protected resources, the physical environment including EFH, and human communities (economic and social impacts)
2. Select the preferred alternatives under the following actions:

   Action 1 - Overfishing Limit (OFL) and Acceptable Biological Catch (ABC)

   Action 2 - Management Uncertainty (MU) and Annual Catch Limit (ACL)

   Action 3 - Border Transfer (BT)

   Action 4 - Research Set-Aside (RSA)

   Action 5 - Carryover of Unharvested Catch

   Action 6 - Adjust Measures that Potentially Inhibit Mackerel Fishery from Achieving Optimum Yield (OY)

3. Approve submission of Framework Adjustment 8 to NOAA/NMFS for review and approval.

Action 1 – Overfishing Limit and Acceptable Biological Catch

<table>
<tr><th colspan="2">Section 3.1.1 Overfishing Limit and Acceptable Biological Catch</th><th>Council Prelim Pref.</th><th colspan="2">Preferred by</th></tr>
<tr><th></th><th></th><th></th><th>AP</th><th>Commi-ttee</th></tr>
<tr><td>Alternative 1
(3.1.1.1)</td><td>No action –
Maintain the 2021 Atlantic herring fishery specifications that were implemented by Framework 6 (Table 1). The ABC would be 16,131 mt for all three fishing years, which is higher than the SSC recommendation.</td><td></td><td>X</td><td></td></tr>
<tr><td>Alternative 2
(3.1.1.2)</td><td>Implement the OFL and ABC consistent with the ABC control rule that was approved in Amendment 8.
Table 2. OFL/ABC Alternative 2 for 2021-2023 Atlantic herring specifications (SSC Recommendation)
<table>
<tr><th>Year</th><th>OFL (mt)</th><th>ABC (mt)</th></tr>
<tr><td>2021</td><td>23,423</td><td>9,483</td></tr>
<tr><td>2022</td><td>26,292</td><td>8,767</td></tr>
<tr><td>2023</td><td>44,600</td><td>8,767</td></tr>
</table></td><td></td><td></td><td>X</td></tr>
<tr><td colspan="5">Decisions/Questions/Information to Consider</td></tr>
<tr><td colspan="5">• SSC recommended Alternative 2. The original projection for 2023 ABC was 11,025 mt; however, the SSC recommended the ABC for 2023 be reduced to better address scientific uncertainty.</td></tr>
<tr><td colspan="5">Other important Considerations/Draft EA References</td></tr>
<tr><td colspan="5">Analyses of impacts are in a separate Council meeting binder document: 3a_FW8-Impacts.pdf
• Impacts on Target Species (Herring): Section 1.1.1
• Impacts on Non-target Species: Section 1.2.1
• Impacts on Protected Resources: Section 1.3.1
• Impacts on Physical Environment: Section 1.4.1
• Impacts on Human Communities: Section 1.5.1</td></tr>
</table>

Summary of Potential Impact for Action 1:

Actions & Alternatives		Direct and indirect impacts				
		Target Species	**Non-target Species**	**Protected Resources**	**Physical Env. (EFH)**	**Human Communities**
Action 1: OFL/ABC	**Alt. 1 – No Action**	Low +	Low + to neutral	Low – to Low +	Neutral	Short term: Negative ($17-20M) Long term: Mixed
	Alt. 2 – ABC CR (SSC Rec.)	Low +	Low + to neutral	Low – to Low +	Neutral	Short term: More negative ($5-8M) Long term: Mixed

Section 3.1.2	Management Uncertainty and Annual Catch Limit	Council Prelim Pref.	Preferred by	
			AP	Commi-ttee
Option 1 *(3.1.2.1)*	**No action – 4,560 mt** The management uncertainty buffer used in FY2020 would be implemented again for 2021-2023, 4,560 mt.			
Option 2 *(3.1.2.2)*	**3-year average (2017-2019) – 6,244 mt** The management uncertainty buffer for 2021-2023 would be based on the most recent 3-year average (2017-2019) catch totals from the NB weir fishery, 6,244 mt.			
Option 3 *(3.1.2.3)*	**5-year average (2015-2019) – 4,587 mt** The management uncertainty buffer for 2021-2023 would be based on the most recent 5-year average (2015-2019) catch totals from the NB weir fishery, 4,587 mt.		X	
Option 4 *(3.1.2.4)*	**10-year average (2010-2019) – 4,669 mt** The management uncertainty buffer for 2021-2023 would be based on the most recent 10-year average (2010-2019) catch totals from the NB weir fishery, 4,669 mt.			X

Decisions/Questions/Information to Consider

Trigger values for reallocation of unused quota to Area 1A

There is a provision in the Herring FMP that allows NMFS to reallocate 1,000 mt from the management uncertainty buffer to Area 1A if NMFS determines that the New Brunswick weir fishery lands less than a specified amount through October 1. The associated trigger, or specified amount can vary based on the management uncertainty buffer option selected. The associated triggers for each option are in Table 4 and were calculated using the same ratio as a previous trigger and management uncertainty buffer (4,000 mt / 6,200 mt has a ratio of 0.645).
Is the Council comfortable with using the same ratio as previous action? If estimated landings in the New Brunswick weir fishery are less than the appropriate trigger before October 1, NMFS will add 1,000 mt to Area 1A, but the original stock-wide ACL and Area 1A sub-ACL would remain in place.

Table 1. Trigger values associated with each management uncertainty buffer option in this action.

	No Action	3-year Option	5-year Option	10-year Option
Uncertainty buffer value (mt)	4,560	6,244	4,587	4,669
Trigger (mt)	2,942	4,027	2,959	3,012
Rollback (mt)	1,000	1,000	1,000	1,000

Other important Considerations/Draft EA References

Analyses of environmental impacts are in a separate Council meeting binder document: 3a_FW8-Impacts.pdf

- Impacts on Target Species (Herring): Section 1.1.1
- Impacts on Non-target Species: Section 1.2.2
- Impacts on Protected Resources: Section 1.3.2
- Impacts on Physical Environment: Section 1.4.2
- Impacts on Human Communities: Section 1.5.2

Summary of Impacts for Action 2

Actions & Alternatives		Direct and indirect impacts				
		Target Species	Non-target Species	Protected Resources	Physical Env. (EFH)	Human Communities
Action 2: Management Uncertainty	**Option 1 – No Action**	Low +	Low + to neutral	Low –	Neutral	Low +; prevents exceeding ABC
	Option 2 – 3-year average	Low +	Low + to neutral	Low –	Neutral	Low +, Low – compared to No Action; less available for US fishery
	Option 2 – 5-year average	Low +	Low + to neutral	Low –	Neutral	Low +, Negligible compared to No Action
	Option 2 – 10-year avg.	Low +	Low + to neutral	Low –	Neutral	Low +, Low – compared to No Action; less available for US fishery

Action 3 – Border Transfer

Section 3.1.3	Border Transfer	Council Prelim Pref.	Preferred by	
			AP	Commi-ttee
Alternative 1 *(3.1.3.1)*	**No action – maintain border transfer at 100 mt**			
Alternative 2 *(3.1.3.2)*	**Set border transfer at 0 mt or up to 250 mt**		X (0 mt)	X (0 mt)

Decisions/Questions/Information to Consider

- The Council recommended border transfer be set to 0 mt in the 2019 in-season action. Overall, quotas were being reduced substantially from about 50,000 mt to 15,000 mt so it was desirable to retain as much herring as possible for the U.S. bait market, compared to allowing some herring to be transferred to Canadian vessels at sea for the food market. Border transfer activity has been 0mt for several years (2016-2019). The incentive for border transfer is not currently available and not likely to occur.
- Alternative 2 is more flexible than No Action because the Council could set a lower border transfer limit than 100mt or a slightly higher one, up to 250 mt. Incentives are still low to transfer fish to Canadian vessels. The AP recommends this be set at 0mt.

Other important Considerations/Draft EA References

Analyses of environmental impacts are in a separate Council meeting binder document: 3a_FW8-Impacts.pdf

- Impacts on Target Species (Herring): Section 1.1.3
- Impacts on Non-target Species: Section 1.2.3
- Impacts on Protected Resources: Section 1.3.3
- Impacts on Physical Environment: Section 1.4.3
- Impacts on Human Communities: Section 1.5.3

Summary of Impacts for Action 3

Actions & Alternatives		Direct and indirect impacts				
		Target Species	Non-target Species	Protected Resources	Physical Env. (EFH)	Human Communities
Action 3: Border Transfer	**Alt. 1 – No Action**	No impact	No impact	No impact	No impact	Low +; helps trade relations with Canada
	Alt. 2 – 0 to 250 mt	No impact	No impact	No impact	No impact	At 0 mt: negligible to Low – Above 0 mt: Low +

Action 4 - Research Set-Aside

Section 3.1.4	Research Set-Aside	Council Prelim Pref.	Preferred by	
			AP	Commi-ttee
Alternative 1 *(3.1.4.1)*	**No action – RSA allocation of 3% of each sub-ACL**			
Alternative 2 *(3.1.4.2)*	**RSA allocation of 3% of each sub-ACL for FY2021, and 0% for FY2022 and FY2023**			X

Decisions/Questions/Information to Consider

- Alternative 2 – An RSA award has already been granted for FY2019-2021 so this alternative would provide set-aside for the third year of that previously approved project. However, with recent quota reductions it has proven more difficult to harvest RSA in recent years, and if quota goes unharvested it reduces opportunities for the herring fishery overall. Also, herring specifications are currently being set every two years, and Herring RSA awards have recently been granted on three years cycles. Taking a temporary pause in the program may provide time to better sync up the RSA program with the specifications cycle, and potentially address other issues with the herring RSA program. Future specifications packages can adjust these percentages up to 3%, including a set-aside for FY2023 since the next package will cover fishing years 2023-2025.
- The AP did not identify a preferred alternative for this issue; members wanted more time to discuss with research partners. Initial input from research partners is that set-aside levels are likely too low to provided sufficient funds for existing projects.

Other important Considerations/Draft EA References

Analyses of environmental impacts are in a separate Council meeting binder document: 3a_FW8-Impacts.pdf

- Impacts on Target Species (Herring): Section 1.1.4
- Impacts on Non-target Species: Section 1.2.4
- Impacts on Protected Resources: Section 1.3.4
- Impacts on Physical Environment: Section 1.4.4
- Impacts on Human Communities: Section 1.5.5

Summary of Impact for Action 4

Actions & Alternatives		Direct and indirect impacts				
		Target Species	Non-target Species	Protected Resources	Physical Env. (EFH)	Human Communities
Action 4: Research Set-aside	**Alt. 1 – No Action – 3% all years**	Indirect Low +	Indirect Low +	Negligible impact	Negligible impact	Low – if set-aside not harvested, only Low + for participating vessels, indirect low + from research and partnerships
	Alt. 2 – 3% in 2021 only	Indirect Low +	Indirect Low +	Negligible impact	Negligible impact	Low + compared to No Action from higher ACL for directed fishery, some negative impacts to researchers, opportunity costs difficult to quantify.

Action 5 - Carryover of Unharvested Catch

Section 3.4	Carryover of Unharvested Catch	Council Prelim Pref.	Preferred by	
			AP	Commi-ttee
Alternative 1 *(3.4.1)*	**No action – Automatic rollover of up to 10% of each sub-ACL not harvested**		X	
Alternative 2 *(3.4.2)*	**Prohibit automatic carryover of unharvested catch to fishing years 2021-2022**			
Alternative 3 *(3.4.3)*	**Allow up to 5% of each sub-ACL not harvested to automatically rollover to fishing years 2021-2022**			X

Decisions/Questions/Information to Consider

- Alternative 2 was considered because the amount of carryover from 2019 (about 1,100 mt) is a substantial amount relative to the total ACL for 2021 (about 4-5,000 mt depending on which alternative is selected for management uncertainty, about 20-30% of the total 2021 ACL).
- Alternative 3 would maintain the automatic carryover of unharvested catch, but it would be changed from up to 10% to up to 5% of each sub-ACL.

Other important Considerations/Draft EA References

Analyses of environmental impacts are in a separate Council meeting binder document: 3a_FW8-Impacts.pdf

- Impacts on Target Species (Herring): Section 1.1.5
- Impacts on Non-target Species: Section 1.2.5
- Impacts on Protected Resources: Section 1.3.5
- Impacts on Physical Environment: Section 1.4.5
- Impacts on Human Communities: Section 1.5.5

Summary of Impacts for Action 5

Actions & Alternatives		Direct and indirect impacts				
		Target Species	**Non-target Species**	**Protected Resources**	**Physical Env. (EFH)**	**Human Communities**
Action 5: Carryover	**Alt. 1 – No Action – up to 10% carryover**	Neutral, some spatial effects possible if more fishing in one area	Neutral, overall ACL still in place	Low -, increased risks to PR not expected	Negligible impact	Low +; fishery benefits from catching unused quota
	Alt. 2 – Prohibit carryover	Low +	Low + if overall effort levels lower	Low + if overall effort levels lower	Negligible impact	Low - pressure to "use or lose"
	Alt. 3 – up to 5% carryover	Neutral, some spatial effects possible if more fishing in one area	Neutral, impacts between Neutral to Low +	More neutral, impacts between Low – to Low +	Negligible impact	Low + compared to Alt 2 and Low – compared to Alt 1

Section 3.5 - Adjust Measures that Potentially Inhibit Mackerel Fishery from Achieving Optimum Yield		Council Prelim Pref.	Preferred by	
			AP	Commi-ttee
Section 3.5.1	**Increase the herring incidental possession limit**			
Option A *(3.5.1.1)*	**No action – 2,000 pounds**			
Option B *(3.5.1.2)*	**Implement a two-step incidental possession limit (40,000 pounds first then 2,000 pounds)**			
Option C *(3.5.1.3)*	**Implement a two-step incidental possession limit (range of 5,000-20,000 pounds first than 2,000 pounds)**			
Option D *(3.5.1.4)*	**Herring Management Area 2 only - Implement a two-step incidental possession limit (40,000 pounds first than 5,000 pounds)**		X *	X*
Option E *(3.5.1.5)*	**Herring Management Areas 2 and 3 only - Implement a two- step incidental possession limit (40,000 pounds first than 5,000 pounds)**			
Section 3.5.2	**Modify the seasonal closure of Area 1B**			
3.5.2.1	**No Action – maintain the seasonal closure of Area 1B**			
3.5.2.2	**Eliminate the seasonal closure of Area 1B**		X	X

**** The AP and Committee support Option D as modified. The possession limit for Step 2 would change from 5,000 pounds to 2,000 pounds, which is more consistent with current herring incidental limits. And the option would be expanded to also include Area 3. The impacts are likely very similar to Option D and Option E, but the preferred alternative does not kick in until 90% of a sub-ACL is reached. That level is preferred over 85% since it is more consistent with the mackerel plan and provides more ACL for the directed herring fishery before incidental catch limits are implemented.***

Decisions/Questions/Information to Consider

See *3.Draft-FW8-Alternatives-and-AE-_MERGED_ForSeptCmte_200921_094424.pdf*, pages 20 - 23 for the details and rationales for the above management options.

AP input: The AP recommends Option D with several modifications. **See AP Motion #5**: *In herring management areas 2 and 3, implement a 2-step incidental possession limit (Step 1: at 90% of the sub-ACL a 40,000 lbs. incidental herring possession limit would be triggered and Step 2: at 98% of the sub-ACL then a 2,000 lbs. incidental possession limit would be implemented). The incidental possession limit that is triggered when 95% of the total ACL is estimated to be caught would remain in place.* **See AP Motion #6**: *Recommend the Committee select Alternative 2 as preferred to eliminate the seasonal closure of Area 1B, in Section 3.5.2.*

Other important Considerations/Draft EA References

Analyses of environmental impacts are in a separate Council meeting binder document: *3a_FW8-Impacts.pdf*

- Impacts on Target Species (Herring): Section 1.1.1
- Impacts on Non-target Species: Section 1.2.6
- Impacts on Protected Resources: Section 1.3.6
- Impacts on Physical Environment: Section 1.4.6
- Impacts on Human Communities: Section 1.5.6

Summary of Impacts for Action 6

Actions & Alternatives		Direct and indirect impacts				
		Target Species	**Non-target Species**	**Protected Resources**	**Physical Env. (EFH)**	**Human Communities**
Action 6A: Increase incidental herring possession limits	**Option A – No Action**	Low +, has helped keep fishery under total ACL	Low +, effort levels in herring and other fisheries may be lower after triggers met	Low + to Low – Still risk of interaction, but if triggers met during the year total effort may be reduced	Low +, directed herring and mackerel trips more constrained	Low -, 2,000 lb limit insufficient for most vessels to target mackerel.
	Option B – 2-step 40,000 and 2,000 for Areas 1B, 2, 3	Neutral, some increased risk of exceeding ACL if limits not triggered soon enough	Low – to neutral, more fishing may occur to target other species but bycatch caps in place to limit impacts on RH/S and GB haddock.	Low – More fishing may occur to target other species so risk of interaction could be higher.	Low –, if more trips occur, SMBT gear can have adverse impacts on EFH, but magnitude constrained by ACLs in place.	Positive, more consistent with mackerel plan, more flexibility to target other species when herring quota approaching limits.
	Option C – 2-step 5-20,000 and 2,000 for Areas 1B, 2, 3					Positive, but more mixed across the fishery. Fewer vessels (MWT) could target other species under lower herring possession limits so more negative than Option B, but for SMBT vessels the lower poss limits may be more feasible.
	Option D – 2-step 40,000 and 2,000 for Area 2 only					Low +, more consistent with mackerel plan, but only addresses Area 2. Area 2 and Area 3 have higher revenue per pound of herring.
	Option E – 2-step 40,000 and 2,000 for Areas 2 and 3					Low +, more consistent with mackerel plan and addresses Area 2 and 3. More trips could occur that target on other species under this lower trigger (85%), but increased risk of closing directed fishery too soon with negative revenue impacts.
Action 6B: Modify Area 1B seasonal closure	**Alt. 1 – No Action – Area 1B closed Jan-Apr**	No impacts – sub ACL controls mortality	Neutral – bycatch caps control impacts on non-target species	Low -, Risk for interaction still there, but relatively low.	Neutral	Low – to Low +, mixed impacts: + for herring fishery - for mackerel Low - for lobster Uncertain for predator fisheries but may be low – from user conflicts in that area in the late spring / early summer.
	Alt. 2 – Eliminate seasonal closures of Area 1B	No impacts – sub ACL controls mortality. Not an important area for spawning so timing of fishing activity not a factor.	Low – to neutral RH/S impacts could increase if effort shifts inshore in winter. Bycatch caps in place. Haddock impacts neutral.	Neutral	Neutral	Low – to Low +, mixed impacts: - for herring fishery + for mackerel Low + for lobster Uncertain for predator fisheries but may be low + if effort shifts earlier.