



New England Fishery Management Council

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Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

MEETING SUMMARY

Joint Herring Plan Development Team and Advisory Panel Meeting

Webinar

May 17, 2022

The Atlantic herring Plan Development Team (PDT) and Atlantic herring Advisory Panel (AP) met on May 17, 2022 at 9:30 AM, via webinar to discuss: 1) Atlantic herring Framework 7; 2) the Industry Funded Monitoring (IFM) Program for the Atlantic herring fishery; 3) Atlantic herring sub-ACLs of Georges Bank (GB) haddock; 4) research priorities; and 5) other business, as necessary.

MEETING ATTENDANCE:

PDT: Deirdre Boelke (Chair, NEFMC); Ashley Ascii (GARFO); Dr. Matt Cieri (ME DMR); Dr. Micah Dean (MA DMF); Dr. Jon Deroba (NEFSC); Dr. Rachel Feeney (NEFMC); Emilie Franke (ASMFC); Dr. Min-Yang Lee (NEFSC); J.A. MacFarlan (RI DEM); Carrie Nordeen (GARFO); and Renee Zobel (NH FG);

AP: Meghan Lapp (Chair); Ray Kane (Vice-Chair); John-Paul Bilodeau; Jeff Kaelin; Zach Klyver; David Mussina; Gerry O'Neill; and MaryBeth Tooley

The meeting was supported by Ms. Angela Forristall (NEFMC) and Ms. Sara Weeks (NEFSC). Herring Committee Chair Cheri Patterson, and Committee members Rick Bellavance (Vice-Chair), Melanie Griffin, Peter Hughes, and Melissa Smith and Council member Megan Ware attended. Maria Fenton and Marianne Ferguson (GARFO); and Janice Plante (NEFMC) also attended.

KEY OUTCOMES:

- AP members advise that Framework 7 should be put on hold until the Atlantic herring stock has rebuilt, but if Framework 7 continues to be analyzed all the alternatives in the current draft should be included and further developed.
- The AP recommends the Herring Committee consider initiating a framework action to revise the Industry Funded Monitoring weighting approach for the herring fishery.
- The PDT approved a draft version of a memo to the Groundfish PDT regarding Georges Bank haddock sub-annual catch limits (sub-ACLs) for the Atlantic herring fishery, with a few minor edits.
- The AP and PDT made recommendations for updating herring research priorities. There is also support from some members that research priorities for river herring and shad be moved to

an appendix list since these species are managed by the Atlantic States Marine Fisheries Commission (ASMFC).

OPENING REMARKS

Council staff noted that this is the last year of the current AP term and staff will be reaching out to current members to gauge their interest in participating for another term. Ms. Carrie Nordeen (GARFO) provided an update on the current lawsuit regarding Atlantic Herring Amendment 8 (A8), noting a US district court judge vacated the inshore midwater trawl restricted area so the restriction is not being enforced. Ms. Maria Fenton (GARFO) provided an update on the fishery disaster relief funding granted to Maine, Massachusetts, New Hampshire, and Rhode Island and explained once applications and spend plans are submitted, NOAA Fisheries will review them. She noted New Jersey did not qualify for funds but that residents of New Jersey that land in one of the other four states can apply to that state for relief funds.

AGENDA ITEM #1: REVIEW OF FRAMEWORK 7 DEVELOPMENT TO DATE AND DISCUSSION OF ADDITIONAL ALTERNATIVES (ACTION TO PROTECT SPAWNING ADULTS OF ATLANTIC HERRING), MS. BOELKE (NEFMC)

Council staff summarized the status of Framework 7 (FW7) and explained the goals for this meeting were for the PDT and AP to consider the current alternatives and brainstorm any revisions. The Council previously narrowed the scope of FW7 to focus on adult spawners and not egg mats. The framework applies to vessels on herring trips and not other gear types or fisheries in other fishery management plans (FMPs). The actions that need to be further developed include different restrictions on the retention of spawning herring from spawning tolerance areas and a spawning avoidance program that would use in-season monitoring to close specific areas when herring are spawning. Staff summarized previous discussions between the PDT and NMFS enforcement and presented additional information on the Gulf of Maine (GOM) spawning closure in Area 1A and a GB spawning closure measure that was proposed by NEFMC in the original Atlantic Herring FMP but disapproved by NMFS.

Questions and Discussion on the Presentation:

Numerous advisors expressed the Framework should be set aside until the stock is rebuilt. Individuals expressed there has not been enough new information that would now result in NMFS approving a GB spawning closure. Advisors commented on the lack of funds and low quotas in the fishery. If FW7 moves forward, several advisors supported keeping in all the current alternatives and further developing them.

An advisor asked if any environmental impacts have been analyzed for this action yet, noting that NMFS previously disapproved the GB spawning closure after determining the costs did not outweigh the environmental benefits. Staff noted that the PDT would begin to have these conversations after the alternatives are fully developed. Another advisor asked how sampling under the spawning tolerance action would occur. Staff noted that there would be a random sampling of vessels upon return and when a threshold is reached some area would be closed. Staff noted that the threshold, area(s) to be closed, and protocols of how much sampling would be required all still need to be clarified. Staff also explained the Committee started to discuss allowing vessels to fish in areas where spawning is occurring if they have an observer onboard. A third advisor asked if there are estimates of the number of spawning fish taken and what would be the spawning stock biomass (SSB) implications if spawning herring were not removed from Area 3. Staff noted that the white paper on GB spawning determined an extremely small amount of fish removed are in spawning condition. Dr. Deroba (NEFSC) responded that the question pertaining to SSB would require too much speculation to provide an adequate estimation of the downstream effects.

Advisors supported keeping the individual spawning tolerance alternative in FW7 if work on FW7 continues. Numerous advisors noted it would effectively incentivize boats to stay away from ripe/running fish. One advisor stated the spawning tolerance areas should be areas currently included in the draft as options for GB spawning closure areas. Further discussion on if vessels can fish in and outside of spawning tolerance areas will need to occur. Staff noted that the PDT recommended this alternative *not* be included in the action due to concerns about the feasibility of monitoring and enforcing an individual spawning tolerance limit, but that the Committee will consider the input from both groups.

Advisors agreed that the fleetwide spawning tolerance alternative should remain in FW7. Staff noted that a fleetwide approach was never used in the GOM. FW7 currently does not specify a spawning threshold or number of trips that must be sampled to determine when an area will be closed. One advisor stated three or more offloads of 20 or 25 percent of total herring in spawning condition would be adequate. Another suggested boats notify if they plan to fish in a spawning tolerance area and those boats would have their offloads sampled at the dock to determine if herring caught are spawning.

Multiple advisors had concerns about implementing a spawning avoidance program with in-season monitoring and a trigger-based spawning closure, but ultimately felt that it should be left in. One advisor noted it will be impractical to fish if large areas are closed. Advisors discussed there are already issues funding the Gulf of Maine (GOM) herring Gonadal-Somatic Index (GSI) monitoring program and that default dates are typically used. They do not support a program that would simply replicate the GOM program in GB because they have issues with the default date closures. The individual would support an alternative that has a trigger based on in-season monitoring of GSI or percentage of spawning fish but the specifics of when closures are triggered would need to be clearly specified. Advisors disagreed with the Committee's suggestion for an option of allowing vessels to fish in predefined spawning areas if a human observer was on board, noting it is already difficult to get observers to access closed areas. One advisor stated that given issues with funding and observer coverage, falling back on seasonal closures might be the best way to protect spawning herring.

A PDT member asked if gonad sampling to calculate GSI would be done onboard by observers or portside, stating sampling is difficult to do at sea and that in the GOM it is done dockside. Staff explained that this still needs to be defined in the action and the observer program will be brought in in an official capacity if the action continues. Ms. Sara Weeks (NEFSC) stated that the Center is following FW7 and want to be supportive but do have concerns. She noted that observers are not currently trained to determine GSI. She noted current priorities are funding and timing and the IFM program does have limitations on how much portside sampling it will be able to conduct. One advisor clarified that it is very clear to vessels when they are hauling in fish that are in spawning condition.

A PDT member noted that the Maine Department of Marine Resources (DMR) commercial herring sampling program will be out of funds in the next year. GOM GSIs are calculated from a combination of Maine DMR and Massachusetts Department of Marine Fisheries (MASS DMF) samples. An advisor stated that two portside samplers would be needed if a company is running two boats, but the current reimbursement rate is only for one portside sampler. Another advisor stated the PDT should create an EFP blueprint for the in-season monitoring with a trigger-based spawning closure option. They also noted this entire action was generated by ASMFC and if this continues to be a priority for ASMFC they should help with funding.

AGENDA ITEM #2: UPDATE ON INDUSTRY FUNDED MONITORING (IFM) PROGRAM FOR THE ATLANTIC HERRING FISHERY, MS. WEEKS (NEFSC) AND MS. NORDEEN (GARFO)

NEFSC and Greater Atlantic Regional Fisheries Office (GARFO) staff provided an update on the status of the IFM program in the Atlantic herring fishery. The timeline of the program up until the current IFM year was shared. Ms. Weeks and Ms. Nordeen presented the preliminary IFM coverage estimates and a summary of the EM video review for IFM Year 2021 but stated no preliminary findings are available at this time. Challenges due to the COVID-19 pandemic and prioritization of SBRM over IFM were the biggest factors impacting coverage in the first year of the program. NOAA Fisheries expects to have sufficient funds to meet the IFM 50% coverage target for IFM year 2022. There are opportunities to reconsider the IFM coverage target and the prioritization process and weighting approach.

Questions and Comments on the Presentation:

One advisor asked for clarification on the process for changing the weighting approach. They were under the impression it could be done through a memorandum but discussions at the April Council meeting made it seem like it would require a framework. Ms. Nordeen explained that the discussions at the Council meeting were about zeroing out funding for the program and a framework would likely be required for that because it would be a large departure from the rationale behind the program. Another asked for clarification on how much the industry has been reimbursed. It was explained that NMFS has shoreside funds to support the shoreside component of IFM through the end of IFM Year 2022. NMFS has additional funds to reimburse 50% of the industry sampling costs, but if there are additional funds available before they expire in September 2022 the industry may be provided additional reimbursements.

Two advisors supported the program but wondered how viable it is given the low effort in the fishery. Staff noted there is not a set number of trips known that makes the program viable and this number would be difficult to properly calculate. They noted the herring Committee will be discussing this at their next meeting.

1. MOTION: TOOLEY/BILODEAU

Recommend the Herring Committee consider initiating a framework action to revise the Industry Funded Monitoring weighting approach for the herring fishery.

Rationale: The maker of the motion referenced the letter submitted by industry members to the Chairman and Executive Director of the Council on March 18, 2022, and noted the current IFM program is unfeasible given the economic and biological status of the fishery.

Discussion on the Motion: Ms. Nordeen clarified the weighting approach is changed on an as-needed basis and another action would be needed to change it again by another notice or framework action. She also explained that changing the weighting approach would essentially be asking the Committee and Council to make a policy decision on whether federal funding should be allocated to IFM and if the herring IFM program should continue in the near term. One advisor stated they are against the motion, noting more needs to be done to recover the herring fishery. They stated they have spoken with other industry members who support closing the fishery until stocks have recovered to a level that supports reasonable quotas.

MOTION #1 CARRIED 5/3/0.

AGENDA ITEM #3: REVIEW DRAFT HERRING PDT MEMO TO THE GROUND FISH PDT RELATED TO SUB-ACLS OF GEORGES BANK (GB) HADDOCK, MS. FORRISTALL (NEFMC)

Council staff presented information included in a draft Herring PDT memo to the Groundfish PDT. The memo contained supporting information for the Groundfish PDT to consider when developing a recommendation to the Groundfish Committee and Council regarding the Georges Bank haddock sub-ACL for the Atlantic herring midwater trawl fishery. Staff explained that the Groundfish PDT is required to review this sub-ACL after a full assessment of the Georges Bank haddock stock.

Questions and Comments on the Presentation:

One advisor asked if the values presented in the catch cap summary tables were just for GB or also included GOM haddock. Ms. Ashley Asci (GARFO) clarified that GOM and GB catch caps are monitored separately so the table is exclusively GB trips. Another advisor asked if these values were just Western GB haddock or also included Eastern GB haddock. Ms. Asci clarified that Eastern and Western GB haddock estimates are monitored together, but the preliminary estimates for Eastern GB in FY21 was zero. Staff noted that they will add clarification to the memo regarding these points. A third advisor asked if the Herring PDT should be making a recommendation. Staff replied that the Herring PDT does not recommend a percentage sub-ACL but provides information to the Groundfish PDT. The Groundfish PDT will consider the Herring PDT's memo and forward it with their own to the Committee and Council.

AGENDA ITEM #4: REVIEW AND RECOMMEND ANNUAL ATLANTIC HERRING RESEARCH PRIORITIES FOR COMMITTEE CONSIDERATION, DR. FEENEY (NEFMC)

Dr. Rachel Feeney presented the herring-specific Research Priorities and noted the SSC research recommendations made during the 2019-2023 research priority-setting process. Dr. Feeney noted that there are herring-specific items that align with the SSC recommendations. In general, there was consensus among the AP and PDT regarding edits to the Research Priorities. There was also consensus on the removal of several priorities, including a priority on hydroacoustic trawl surveys, detection of herring in trawl surveys, and investigations into herring fleet behavior. One area where consensus was not reached was on the priorities related to river herring and shad. There were questions as to whether the research needs related to river herring and shad biology should be included on the NEFMC list in addition to any listing by the Atlantic States Marine Fisheries Commission. One idea was to list these as an appendix to the NEFMC list. There was agreement that priorities related to the setting of bycatch catch caps should remain on the NEFMC list.

AGENDA ITEM #5: OTHER BUSINESS

Council staff member Ms. Deirdre Boelke noted this will be her last meeting as a NEFMC staff member. AP and PDT members thanked her for her incredible work as the Atlantic Herring FMP coordinator.

The joint PDT/AP meeting adjourned at approximately 2:30 p.m.