



## New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

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

## MEETING SUMMARY

### Herring Advisory Panel

Webinar

June 2, 2021

The Herring Advisory Panel (AP) met on June 2, 2021 from 9:00 AM to about 1:00 PM via webinar primarily to continue development of 2021 work priorities: rebuilding plan and potential adjustments to herring AMs combined into Framework 9, and Framework 7 (GB spawning action).

**MEETING ATTENDANCE:** Meghan Lapp (Chair), John-Paul Bilodeau, Beth Casoni, Jeff Kaelin, Ray Kane (Vice-Chair), Zach Klyver, David Mussina, Gerry O'Neill, and MaryBeth Tooley. Jim Ruhle was absent. Other attendees: Deirdre Boelke (PDT Chair), Rachel Feeney, and Janice Plante, Carrie Nordeen (NMFS), about half of the Herring Committee, and a handful of members of the public.

**KEY OUTCOMES:** The AP passed one motion related to Framework 7 and provided individual input on preliminary rebuilding analyses for Framework 9, and individual comments on research priorities. Under Other Business Brett Alger (NMFS) presented draft policy guidance on how information law will be applied to data collected by electronic monitoring.

### ***DISCUSS FRAMEWORK 9 ALTERNATIVES DEVELOPED TO DATE***

The AP had an opportunity to ask questions about the new analyses prepared. Individual AP members provided input/suggestions on how rebuilding projection results could be presented as this action moves forward. This list below captures the input provided:

- Kobe plots are not preferred, happy/sad faces are not recommended.
- Support expressed for radar plots; they are easier to use than ones prepared in Amendment 8.
- Bar charts are useful, probability of fishery closure may not be the most informative metric to display – very low catch is pretty much the same thing as a fishery closure.
- Notes should be added about what the likely ACLs will be, not just ABCs.
- Rationale for both rebuilding plans could use more work, the term compromise for the Amendment 8 ABC CR is not viewed as a compromise for all stakeholders.
- Can a new metric be presented that looks at probability ABC returns to more historic levels? Maybe # of years ABC is above a certain level (75,000 mt), something that is tracking a more positive metric.

### ***REVIEW HERRING RESEARCH PRIORITIES FOR 2021-2025 AND PROVIDE INPUT***

Dr. Rachel Feeney presented the current research priorities for the herring plan including new PDT input (in green). The AP did not pass any motions or make recommendations as a group, instead several AP members provided individual input summarized in the bullets below.

- One AP member voiced preference for the current approach of updating the priorities each year rather than a larger task every five years.
- Frustration that more work has not been done to address the priorities. Some have been on the list for a long time, such as understanding herring stock structure (#8). Can we identify a different process to help identify possible funding sources for this important work?
- The Council and GARFO should work to ensure that the shoreside monitoring program that will be starting in July 2021 address some of the research priorities, such as understanding herring spawning (#9) and RH/S interactions (#12, 13, 26, 62). Can more biological sampling be added to that program? In addition, there is an ASMFC research priority related to river herring and shad about collecting genetic information on those species. Would it be possible to include that as part of the portside sampling program to help support stock structure research on river herring and shad? Finally, could a cooperative research agreement be developed between the industry and NMFS to collect more information out of the portside sampling component of IFM? There could be valuable data collected from these portside samples with more coordination.
- The priority on understanding the impacts of fishing gear on herring egg mats (#11) should be deleted, as the Council decided to not develop an action on this topic.
- Support for the PDT recommendation to add the study of haddock predation on herring egg mats to #92. It would also be important to understand where the Calanus have moved to. Have they moved, have they reduced? Could tracking where whales are help inform this? It would be helpful to know more about where whales are and if Calanus has changed that could be impacting those populations as well.
- Mixed input on whether the rating of the priorities on understanding RH/S life-stages, movement, and mortality (#12 and 13) should shift from important to urgent.
- Hope that the RSA program can return in future to support addressing priorities.

### ***CONTINUE DEVELOPMENT OF FRAMEWORK 7 ALTERNATIVES***

The AP members that spoke on this issue are more in favor of collecting more data in-season about spawning fish than closing areas. If the IFM program could be expanded to collect info on spawning that could be very valuable to inform when and where herring are spawning. One AP member added that lots of whales are being observed on the norther edge, which is uncommon, what is going on? Maybe they are following menhaden?

Ultimately a motion was made to recommend amending the goal of this action from “protect” spawning fish to “encourage avoidance” of spawning fish, to emphasize that we should be collecting more data to better inform this issue. Landing spawning fish is a rare occurrence; therefore, the benefits of large, closed areas do not equate because overlap is relatively low.

## 1. Tooley/Kaelin

**The AP recommends the Council amend the goal of Framework 7 to "prioritize the avoidance of spawn herring on Georges Bank in the herring fishery, while data is further collected; and develop an avoidance program that includes biological sampling and in-season measures that may include seasonal closures."**

Vote: 5:3:0, motion carries

*Rationale: This could be a start, this still needs more development, but the data we have to date does not support large closures. Rare events do not equate to large closures for relatively long periods of time that may or may not encompass spawning. These would have significant impacts on the industry, and we need to think about these measures in the long term; these closures would be in place for many years and when the resource rebuilds, they would be very challenging. In the near term with low herring biomass spawning fish are protected, fishing levels are very low and if sub-ACLs are harvested before the spawning season spawning is protected. The GOM spawning closure system has been modified over time, we should take small steps and this action is not critical right now. We need to focus on rebuilding, we can take more time with this topic.*

After the motion was made a few questions were raised. What is meant by, "while data is further collected?" What is the timing of that? IFM does not currently collect information on spawning fish, what data is implied here? It was noted that Framework 7 could modify what is collected through the IFM program and protocols could be expanded. Also, what is intent of "avoidance program" – a voluntary program like others that have occurred in the past, or a required avoidance program? Rather than modify the motion the panel decided to leave the motion as is and note that these issues should be clarified if the goal of the action is modified by the Committee.

### ***OTHER BUSINESS (NMFS DRAFT PROCEDURAL DIRECTIVE ON APPLYING INFORMATION LAW TO ELECTRONIC DATA IN US FISHERIES)***

Brett Alger gave an overview of the EM programs in place in the US and the draft policy under consideration. Some AP members spoke in support of the draft guidance as it related to IFM, which would eventually be through a third party. There were some questions about the estimates of costs for data storage used in the IFM action and if this policy would change any of those assumptions. Specifically, were data storage costs included in the \$700 per day estimate presented in the IFM Amendment. Staff reviewed the IFM Amendment after the meeting and Table 76 in the IFM Amendment EA describes EM costs, including data review and archiving, and the IFM Amendment presentation for the April 2018 Council meeting also discusses EM costs, including storage (<https://www.nefmc.org/committees/observer-policy-committee> ).

After that agenda item an AP member asked NMFS is there are any updates on the disaster relief requests made last year. NMFS plans to give an update at the Committee meeting on June 4, 2021.