



## New England Fishery Management Council

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

# MEETING SUMMARY

## Herring Advisory Panel

Webinar

September 23, 2022

The Herring Advisory Panel met on September 23, 2022 by Webinar to discuss: (1) Specifications for 2023-2025; (2) Possible Council 2023 Priorities; and (3) Other business, as necessary.

**MEETING ATTENDANCE:** Meghan Lapp (Chair), Raymond Kane (Vice Chair), John-Paul Bilodeau Jeff Kaelin, Zack Klyver, Gerry O'Neill, James Ruhle, Mary Beth Tooley (Advisors present); Dr. Jamie Cournane and Angela Forristall (NEFMC staff); Maria Fenton, Emily Gilbert, and Carrie Nordeen (NMFS GARFO staff); Cheri Patterson (Herring Committee Chair); Rick Bellavance (Herring Committee Vice-Chair); Mark Alexander and Peter Hughes (Herring Committee members). In addition, 8 members of the public attended included: Tammy Smith (NOAA Stellwagen Bank National Marine Sanctuary); Melissa Smith (Maine DMR); Brad Schondelmeier and Kelly Whitmore (MA DMF); Renee Zobel (NH Department of Fish and Game); Raymond Kane (Cape Cod Commercial Fishermen's Alliance); Pamela Lyons Gromen (Wild Oceans); and Don Lyons (The National Audubon Society).

**SUPPORTING DOCUMENTS:** (1) Meeting overview memo from Herring Committee Chair and agenda; (2) Presentation, Council Staff; (3a) Draft supplemental information report (SIR) for 2023-2025 Specifications, including the draft proposed action; (3b) Herring Plan Development Team (PDT) memo to SSC re Atlantic herring OFLs/ABCs 2023-2025; (3c) Risk policy matrix for Atlantic herring; (3d) 2022 Spring Management Track Assessment of Atlantic herring; (3e) 2022 Spring Management Track Peer Review of Atlantic herring; (3f) The Council's Risk Policy Road Map (2016), that includes the Risk Policy Statement and Implementation Plan, see pp. 4-5 and 10-12; (3g) Decision Document, version 1 (4) Council 2022 Priorities; (5a) Joint Herring Advisory Panel/PDT Meeting Summary, May 17, 2022; (5b) Herring Committee Meeting Summary, Jun. 10, 2022; (5c) Scientific and Statistical Committee (SSC) Report, re Atlantic herring OFLs/ABCs, Aug. 4, 2022 meeting; (6) Correspondence

### KEY OUTCOMES:

- The Herring Advisory Panel recommends to the Herring Committee that the Council approve the Proposed Action in *Section 5: Draft Proposed Action and Changes from the Original Action* in the Draft Supplemental Information Report.
- Add as possible priorities for consideration:
  - Items discussed by the Herring PDT. (The AP discussed a review of the IFM program may possibly be a multi-year priority due to the current low effort in the fishery.)
  - Consider an additional Ecosystem Term of Reference in the Research Track assessment of Atlantic herring on competition (for resources) of menhaden from Atlantic herring and Atlantic mackerel.

### ***OPENING REMARKS AND MANAGEMENT ACTION UPDATES***

Council staff shared a timeline of the current progress of 2022 Atlantic herring priorities. Staff reminded advisors that work on Framework 7 (FW7) to consider spawning protections for Atlantic herring on Georges Bank was placed on hold at the June Council meeting, and a decision on whether to change priorities and stop work on FW7 will be made at the upcoming September Council meeting.

### ***AGENDA ITEM #1: SPECIFICATIONS FOR 2023-2025, DR. Cournane (NEFMC)***

Staff provided an overview of the current acceptable biological catches (ABCs) and annual catch limits (ACLs) in place for the Atlantic herring fishery. Staff reminded advisors the Atlantic herring ABC control rule is biomass-based: as biomass declines, fishing mortality declines linearly, and if biomass falls below 0.1 for the ratio of  $SSB/SSB_{MSY}$  then the ABC is set to zero.

Staff provided an overview of the 2022 Atlantic herring stock assessment conclusions and explained the changes to the methods used to derive biological reference points (BRPs). Missing 2020 survey data, recruitment, natural mortality, and stock structure are all sources of uncertainty in the assessment. The Atlantic Herring Plan Development Team (PDT) and the Scientific and Statistical Committee (SSC) both recommended ABCs for 2023-2025 based on the ABC control rule and rebuilding plan. The SSC discussed the uncertainties in the stock assessment and emphasized the 2025 catch advice should be updated after the upcoming herring assessment. Staff explained this year's specifications will be submitted as a supplemental information report (SIR) since very little has changed beyond what was analyzed in the previous specifications package (Framework 8, FW8). Staff noted the ABCs proposed are higher than those set by FW8 but continue to reflect substantially reduced catch limits compared to years prior to 2018. Staff shared a summary of impacts on Valued Ecosystem Components (VECs) and the rationale for the determination of impacts.

### ***Questions and Comments on the Presentation***

One advisor asked if there is any information to suggest recruitment has improved since the proposed ABCs are higher than in the previous specifications package. Staff noted the PDT discussed low recruitment as an important uncertainty but the revisions to how BRPs are calculated better reflect the current environment. Staff noted the current ocean conditions are less favorable to recruitment than the pre-1992 conditions and there are no signs of a large incoming year class.

An advisor asked how the FW7 work on Georges Bank spawning protection will be included in the specifications package. Staff explained the 2023-2025 Specifications/SIR and FW7 are two separate actions, and the Committee will discuss whether to recommend to the Council a change in priorities to end work on FW7. A change in Council priorities requires a 2/3 majority vote. Another advisor noted the industry would not be able to fund any additional monitoring for spawning. They noted the idea for FW7 came from the Atlantic States Marine Fisheries Commission (ASMFC) and stated ASFMC should ask the Atlantic Coastal Cooperative Statistics Program (ACCSP) about funding sources.

One advisor asked when the updated ABCs would be in place if they are recommended by the Council. Maria Fenton (NMFS GARFO) stated if the Council takes final action on specifications at the October meeting, the Agency would expect to have them implemented by late February or early March of 2023.

## 1. MOTION: TOOLEY/RHULE

The Herring Advisory Panel recommends to the Herring Committee that the Council approve the Proposed Action in *Section 5: Draft Proposed Action and Changes from the Original Action* in the Draft Supplemental Information Report.

**Rationale on the Motion:** The SSC had a thorough discussion about the uncertainties in the stock assessment and changes in OFLs/ABCs based on the updated reference points. The ABC control rule is the basis for the Council decision and there is no clear reason to deviate from it.

### **Discussion on the Motion:**

Multiple advisors expressed support for the motion, noting the increase in ABC may impact if some industry members can survive. An advisor expressed disappointment that an increased ABC may not be implemented until March since that would mean the industry would be stuck with low ABCs for the winter fishery.

One advisor expressed opposition to the motion and stated the ABC increase is risky and is not substantial compared to what the size of the fishery once was. The advisor felt it would be prudent to wait a few years and have a larger, healthier stock. The advisor also expressed concerns about the difficulty in estimating forage fish stocks and stated the inability of the fishery to catch their ACL in 2015-2017 was likely because the assessment was predicting the stock was larger than it actually was.

Another advisor noted the stock assessment scientist for Atlantic herring has taken the uncertainties in the assessment very seriously and the low biomass is likely due to increased ocean temperatures negatively impacting recruitment. A second advisor reiterated the uncertainties were discussed by the SSC and stated the SSC recommendation is the most appropriate way to proceed.

## **MOTION #1 CARRIED 5-1-1.**

### ***AGENDA ITEM #2: POSSIBLE COUNCIL PRIORITIES FOR 2023, DR. COURNANE (NEFMC)***

Staff provided a summary of the 2022 Council Priorities and shared a list of additional possible priorities discussed by the PDT. Staff asked advisors if there are any items beyond what is on the 2022 list that the Council should consider during their discussion of 2023 priorities.

### **Questions and Comments on the Presentation**

One advisor asked if there needs to be a recommendation made to ensure the PDT items are included during the Council's discussion. Staff explained all recommendations must go through the Committee and the Council. The advisor expressed support for the items listed by the PDT and appreciated the reminder that a review of the Industry Funded Monitoring (IFM) program must be conducted two years after implementation. The advisor noted this review may not be valuable or a good use of time in 2023 since effort in the fishery has been extremely low but noted the review may be a regulatory requirement and so a delay may require discussion between the Council and Agency.

Another advisor noted that staff at the Mid-Atlantic Fishery Management Council recently produced a white paper<sup>1</sup> on river herring and shad bycatch in the Atlantic mackerel fishery that may be beneficial during evaluation and consideration of how to update RH/S catch caps and management measures.

Multiple advisors expressed support for a presentation to the AP on what Catch Accounting and Monitoring Systems (CAMS) is and how it might impact herring assessments. Staff stated they can provide advisors with slides from a recent presentation on CAMS.

Multiple advisors discussed the increased presence of menhaden along the coast and the observed negative effects they are having on herring and mackerel. They expressed support for the addition of a priority that would investigate if menhaden are outcompeting mackerel and herring for resources and look at environmental factors that might be making waters more favorable for menhaden but less favorable for herring and mackerel. One noted that menhaden feed low on the food chain on phytoplankton and herring feed on zooplankton. Another stated menhaden are being observed closer to shore, and whales are following them inshore which is increasing the risk of entanglement. Staff explained research priorities are not being considered at this time, but a recommendation that competition from menhaden is considered by the Research Track could be made for further discussion by the Herring Committee .

**The advisors added as possible priorities for consideration:**

- Include the list from the Herring PDT
  - **Review of IFM program**, required after two years of the program [AP discussed this may possibly be a multi-year priority]
  - **PDT discussion paper** - Evaluation of Canadian catches, management uncertainty, transfer provision, etc. (see key discussion questions below), potentially work to support next management track assessment of herring regarding assumptions.
    - Changing the way the management uncertainty buffer is calculated (potentially using average landings from a shorter time series to better reflect recent fishing activity);
    - Changing how much herring is transferred (evaluating whether 1,000 mt is still appropriate);
    - Changing the date of the transfer (evaluating whether October 1 is still appropriate); or
    - Getting rid of the transfer provisions altogether.
  - **PDT discussion paper** - Evaluate and consider how to update river herring and shad catch caps and management measures (ASMFC added a TOR to the river herring assessment to work toward some cap values that are biologically informed.)
  - **Research Track Working Group** for Atlantic herring could begin working in late 2023 – many PDT members could be involved.
  - **Implications of migrating to CAMS for both assessment and monitoring** – NEFSC assessment data - herring presently resides outside Federal system –maintained by State of Maine/ACCSP – assessment; GARFO quota monitoring – from dealer reports, VTRs, VMS herring catch reports, and state data through ACCSP
- Consider an additional Ecosystem Term of Reference in the Research Track assessment of Atlantic herring on competition (for resources) of menhaden from Atlantic herring and Atlantic mackerel

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<sup>1</sup>[https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/601468f820f26c44eb28eb38/1611950330279/Tab03\\_RHS-White-Papers\\_2021-02.pdf](https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/601468f820f26c44eb28eb38/1611950330279/Tab03_RHS-White-Papers_2021-02.pdf)

***AGENDA ITEM #3: OTHER BUSINESS***

Emily Gilbert (NMFS GARFO) stated the preliminary New Brunswick Weir fishery catch is below the transfer threshold, so the agency intends to transfer 1,000 mt of herring to the Area 1A fishery. She noted the agency will receive another update from Canada shortly after October 1<sup>st</sup>, and if the catch has not drastically changed the transfer is anticipated to occur around October 29<sup>th</sup>.

The Herring Advisory Panel meeting adjourned at 9:55 a.m.