



## New England Fishery Management Council

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

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

# MEETING SUMMARY

## Herring Committee

Webinar

September 23, 2022

The Herring Committee met on September 23, 2022 by Webinar to discuss: (1) Specifications for 2023-2025; (2) Framework Adjustment 7; (3) Possible Council Priorities for 2023; and (4) Other business, as necessary.

**MEETING ATTENDANCE:** Cheri Patterson (Chair), Rick Bellavance (Vice Chair), Mark Alexander, Emily Gilbert, Melanie Griffin, Peter Hughes, Melissa Smith, and Scott Olszewski (Committee members present); Dr. Jamie Cournane and Angela Forristall (NEFMC staff); Maria Fenton and Carrie Nordeen (NMFS GARFO staff); Mitch MacDonald (NOAA General Counsel); Meghan Lapp (Herring AP Chair); Raymond Kane (Herring AP Vice Chair); John-Paul Bilodeau, Jeff Kaelin, Zack Klyver, and Gerry O'Neill; Megan Ware (NEFMC member). In addition, 8 members of the public attended. Among them were Brad Schondelmeier and Kelly Whitmore (MA DMF); Renee Zobel (NH Department of Fish and Game); Pamela Lyons Gromen (Wild Oceans); and Chris Kellogg (NEFMC staff).

**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; (5d) Herring Advisory Panel, Sept. 23, 2022, draft motions; (6) Correspondence; (7) Atlantic Herring Framework 7, draft discussion document, June 3, 2022

### KEY OUTCOMES:

- Move to approve the Proposed Action in Section 5: Draft Proposed Action and Changes from the Original Action in the Draft Supplemental Information Report.
- Move to reconsider priorities for 2022 for Atlantic herring and that work discontinue (stop) on Atlantic Herring Framework Adjustment 7 to protect spawning herring on Georges Bank.

- By consensus and without objection, to add as possible priorities for consideration:
  - **PDT Discussion Paper** - Review of measures in other herring fisheries globally that could be applied to promote Atlantic herring stock rebuilding
  - **Review of IFM program**, required after two years of the program, 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

#### **OPENING REMARKS**

*Management action update* – Emily Gilbert (NOAA GARFO) informed committee members that Framework 9, which set a rebuilding program for Atlantic herring and adjusted how accountability measures (AMs) are triggered in a number of management areas, is now in effect. Ms. Gilbert also noted 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>.

*Report from the Herring Advisory Panel* – Meghan Lapp (Herring AP Chair) shared the AP’s motion to the Committee on approving the proposed 2023-2025 specifications and shared possible additional 2023 priorities for consideration. Ms. Lapp noted advisors discussed an observed influx of menhaden in areas where Atlantic herring were previously abundant and recommended an Ecosystem Terms of Reference for the Research Track assessment considering competition by menhaden for resources as an additional priority (PDT). Advisors also discussed if the required two-year review of the Industry Funded Monitoring (IFM) program could be delayed or made a multi-year priority since there has been very little effort in the fishery.

***AGENDA ITEM #1: SPECIFICATIONS FOR 2023-2025, DR. COURNEANE (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 committee members 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<sub>MSY</sub> 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.

**1. MOTION: HUGHES/SMITH**

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

**MOTION #1 CARRIED 7-0-0.**

***AGENDA ITEM #2: FRAMEWORK ADJUSTMENT 7, DR. COURNEANE (NEFMC)***

Council staff reminded Committee members of the Council's June motion to pause work on Framework 7 (FW7) and noted the PDT has not done any work looking into measures to protect spawning Atlantic herring on Georges Bank over the summer. Based on the Committee's previous discussion on FW7, the Committee could consider recommending the Council change 2022 priorities and stop work on FW7. Staff explained there would need to be a 2/3 majority vote by the Council to change priorities.

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

A committee member reminded the Committee of their previous discussion to pause work on the action until after the Management Track Assessment and Scientific and Statistical Committee (SSC) meeting. They emphasized the importance of clearly and transparently wrapping up the discussion on FW7.

**2. MOTION: GRIFFIN/HUGHES**

Move to recommend to the Council to reconsider priorities for 2022 for Atlantic herring and that work discontinue (stop) on Atlantic Herring Framework Adjustment 7 to protect spawning herring on Georges Bank.

**Rationale on the Motion:** The benefits of Framework 7 are questionable, and even though allowable catch would be increased under the proposed specifications they are still very low. Furthermore, the Gulf

of Maine Research Institute analysis indicated most fishing effort takes place outside of the consensus spawning areas identified except for some effort in the northern area of Georges Bank.

The seconder of the motion reiterated the rationale for the Committee's tabled June motion to discontinue work on FW7, which stated: *The costs of additional development, implementation, monitoring, sampling, and enforcement are real for both industry and government and this action is not a good investment when one considers the benefits are little to none while fishing activity fails to fall within the spawning period. At this time, it is not an efficient or well-justified potential use of limited observer resources (government and third party).*

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

A committee member expressed opposition to the motion and noted that although the recent stock assessment indicates Atlantic herring might slowly be increasing in biomass, this may be a good time to think about additional management options for Area 2 and Area 3 to further aid in stock rebuilding. They noted they are not convinced the measures in FW7 are the best path forward, but it is what is currently on the table.

A committee member asked what would occur if a priority set for a given year is not completed (i.e. if the 2022 priority of FW7 is not finished by the end of the year). Council staff explained it would not automatically roll into a 2023 priority but would need to be included on the 2023 list as a multi-year priority.

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

### ***AGENDA ITEM #3: POSSIBLE COUNCIL PRIORITIES FOR 2023, DR. COURNAINE (NEFMC)***

Staff provided a summary of the 2022 Council Priorities. Staff shared a list of additional possible priorities and discussion papers discussed by the PDT and the priority suggestion made by the Herring AP. Staff asked the Committee 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**

A committee member asked if the pause of the IFM program would delay the two-year timeframe for the review. Emily Gilbert (NOAA GARFO) stated the regulations dictate the Council *will* examine any increased coverage in the Atlantic herring fishery and consider adjustments if they are necessary two years after the implementation date. Ms. Gilbert noted the IFM program was implemented on July 1, 2021, so the review would begin on July 1, 2023. She noted the review does not need to be completed by that date and anticipates it will take a few years. Another committee member asked if there is anything built into the IFM program to ensure additional reviews beyond the two-year review occur, noting that more information might be available 4+ years from implementation given the low effort in the fishery. Ms. Gilbert noted the regulations only discuss an initial review after the first two years, but this does not preclude the Council from doing another review in the future. One component of the review was to investigate challenges with the electronic monitoring (EM) exempted fishing permit (EFP) and determine how more EM could be built into the IFM program beyond the EFP. She reminded the Committee the IFM program has been put on pause and the agency is unsure when more directed, permanent funds will be available.

A committee member expressed they would like the PDT to continue to investigate ways to promote Atlantic herring rebuilding even if work on FW7 stops. They noted the PDT could look at how herring are managed globally to get ideas of other potential management tools. Another committee member expressed support for the proposal and also expressed support for the AP's recommendation of an additional Ecosystem Term of Reference on the competition by menhaden with Atlantic herring and mackerel for resources.

**The Committee passed by consensus and without objection, to add as possible priorities for consideration:**

- **PDT Discussion Paper** - Review of measures in other herring fisheries globally that could be applied to promote Atlantic herring stock rebuilding
- **Review of IFM program**, required after two years of the program, this may possibly be a multi-year priority
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- **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

The Herring Committee meeting adjourned at 2:05 p.m.