

Atlantic States Marine Fisheries Commission

Atlantic Herring Management Board

October 18, 2021

12:45 – 1:15 p.m.

Webinar

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

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|--|------------|
| 1. Welcome/Call to Order (<i>C. Patterson</i>) | 12:45 p.m. |
| 2. Board Consent | 12:45 p.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from February 2021 | |
| 3. Public Comment | 12:50 p.m. |
| 4. Set Quota Period for the 2022 Area 1A Fishery (<i>E. Franke</i>) Final Action | 1:00 p.m. |
| 5. Update on New England Fishery Management Council and Commission Coordination Discussions (<i>R. Beal</i>) | 1:10 p.m. |
| 6. Other Business/Adjourn | 1:15 p.m. |

MEETING OVERVIEW

Atlantic Herring Management Board

October 18, 2021

12:45 p.m. – 1:15 p.m.

Webinar

Chair: Cheri Patterson (NH) Assumed Chairmanship: 02/20	Technical Committee Chair: Renee Zobel (NH)	Law Enforcement Committee Representative: Delayne Brown (NH)
Vice Chair: Megan Ware (ME)	Advisory Panel Chair: Jeff Kaelin (NJ)	Previous Board Meeting: February 2, 2021
Voting Members: ME, NH, MA, RI, CT, NY, NJ, NMFS, USFWS (9 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from February 2021

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Set Quota Period for the 2022 Area 1A Fishery (1:00-1:10 p.m.) Final Action

Background

- In February 2021, the Board set specifications for the 2021-2023 fishing years. The 2022 sub-annual catch limit (sub-ACL) for Area 1A is 1,184 metric tons.
- Per Amendment 3, quota periods shall be determined annually for Area 1A.
- For the 2021 fishing year for Area 1A, the Board adopted a seasonal quota approach with 72.8% available June-September, and 27.2% available October-December.

Presentations

- Overview of Amendment 3 quota period system by E. Franke

Board actions for consideration at this meeting

- Set quota periods for the 2022 Area 1A Fishery.

6. Update on New England Fishery Management Council and Commission Coordination Discussions (1:10-1:15 p.m.)

Background

- Concerns have been raised in recent years that management alternatives considered by the Commission may have been inconsistent with the federal Atlantic Herring FMP and Council comments on specific measures may not be given appropriate consideration by the Commission.
- A technical work group of Commission Plan Review Team and Council Plan Development Team members, co-chaired by the Commission Herring Board and Council Herring Committee chairs, met in 2020 to discuss a proposed list of shared management responsibilities for review by Leadership.
- Following a meeting that occurred between the Executive Directors of the Commission and Council and NOAA attorneys, Commission and Council leadership are continuing coordination discussions to review the responsibilities of each management body.

Presentations

- Update by R. Beal

7. Other Business/Adjourn (1:15 p.m.)

Atlantic Herring Technical Committee Task List

Activity Level: Medium

Committee Overlap Score: Medium

Committee Task List

While there are no Board tasks for the TC at present, there are several annual activities in which TC members participate, both through the Commission and NEFMC

- Participation on ASMFC PDT
- Participation on NEFMC PDT (currently working on Framework 7)
- Summer/fall collection of spawning samples per the spawning closure protocol
- Annual state compliance reports are due February 1

TC Members

Renee Zobel (NHFG – Chair), Kurt Gottschall (CT DMF), Dr. Matt Cieri (ME DMR), Micah Dean (MA DMF), Corinne Truesdale (RI DFW), Matthew Heyl (NJ DEP), Deirdre Boelke (NEFMC), Jonathan Deroba (NOAA NEFSC), Carrie Nordeen (NOAA)

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
ATLANTIC HERRING MANAGEMENT BOARD**

**Webinar
February 2, 2021**

These minutes are draft and subject to approval by the Atlantic Herring Management Board.
The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Herring Management Board
February 2021

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Adjournment.....7

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INDEX OF MOTIONS

1. **Move to approve agenda** by Consent (Page 1).
2. **Move to approve proceedings of October 2020** by Consent (Page 1).
3. **Move to approve the following Atlantic herring specifications for 2021-2023 as recommended by the New England Fishery Management Council contingent on the final rule being published by NOAA Fisheries:**

For 2021:

- Annual Catch Limit (ACL) = 4,814 mt
- Domestic Annual Harvest = 4,814 mt
- Border Transfer = 0 mt
- Area 1A Sub-ACL = 1,391 mt
- Area 1B Sub-ACL = 207 mt
- Area 2 Sub-ACL = 1,338 mt
- Area 3 Sub-ACL = 1,877 mt
- Fixed Gear Set-Aside = 30 mt
- Research Set-Aside as % of Sub-ACLs= 3%

For 2022 and 2023:

- Annual Catch Limit (ACL) = 4,098 mt
- Domestic Annual Harvest = 4,098 mt
- Border Transfer = 0 mt
- Area 1A Sub-ACL = 1,184 mt
- Area 1B Sub-ACL = 176 mt
- Area 2 Sub-ACL = 1,139 mt
- Area 3 Sub-ACL = 1,598 mt
- Fixed Gear Set-Aside = 30 mt
- Research Set-Aside as % of Sub-ACLs= 0%

Motion by Megan Ware; second by Dennis Abbott (Page 3). Motion carried (Page 3).

4. **Motion to adjourn** by Consent (Page 7).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	Matt Gates, CT, proxy for J. Davis (AA)
Sen. David Miramant, ME (LA)	Bill Hyatt, CT (GA)
Cheri Patterson, NH (AA), Chair	Jim Gilmore, NY (AA)
G. Ritchie White, NH (GA)	John McMurray, NY, proxy for Sen. Kaminsky (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Joe Cimino, NJ (AA)
Dan McKiernan, MA (AA)	Tom Fote, NJ (GA)
Raymond Kane, MA (GA)	Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Rep. Sarah Peake, MA (LA)	Allison Murphy, NMFS
Conor McManus, RI, proxy for J. McNamee (AA)	Rick Bellavance, NEFMC, proxy for T. Nies
David Borden, RI (GA)	

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Renee Zobel, Technical Committee Chair	Delayne Brown, Law Enforcement Representative
Jeff Kaelin, Advisory Panel Chair	

Staff

Robert Beal	Kirby Rootes-Murdy
Toni Kerns	Sarah Murray
Maya Drzewicki	Joe Myers
Kristen Anstead	Julie Simpson
Emilie Franke	Caitlin Starks
Chris Jacobs	Deke Tompkins
Jeff Kipp	Geoff White
Dustin Colson Leaning	

Guests

Karen Abrams, NOAA	Heather Corbett, NJ DEP
Bill Anderson, MD (AA)	Jessica Daher, NJ DEP
Max Appelman, NOAA	Maureen Davidson, NYS DEC
Pat Augustine, Coram, NY	Justin Davis, CT (AA)
Vincent Balzano	Jeff Deem
Chris Batsavage, NC DENR	John DePersenaire, RFA
David Behringer, NC DENR	Russell Dize, MD (GA)
Peter Benoit, Ofc. of Sen. King, ME	Chris Dollar
Alan Bianchi, NC DENR	Julie Evans
Deidre Boelke, NEFMC	Tony Friedrich, SGA
Jeff Brust, NJ DEP	Pat Geer, VMRC
Patrick Cassidy	Shaun Gehan, Gehan Law
Matt Cieri, ME DMR	Emily Gilbert, NOAA

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Guests (Continued)

Lewis Gillingham, VMRC	Roy Miller, DE (GA)
Bill Gorham, S. Shores, NC	Kennedy Neill
Kurt Gottschall, CT DMF	Gerry O'Neill, Cape Seafoods
Melanie Griffin	Derek Orner, NOAA
Emily Hall	Patrick Paquette
Nathaniel Hancock, NC DENR	Nick Popoff, FL FWS
Brian Hardman	Brandi Salmon, NC DENR
Jay Hermsen, NOAA	McLean Seward, NC DENR
Peter Himchak	David Sikorski, CCA
Harry Hornick, MD DNR	Melissa Smith, ME DMR
Asm. Eric Houghtaling, NJ (LA)	Somers Smott, VMRC
Rachel Howland, NC DENR	Pam Thames, NOAA
Bob Humphrey	Chris Uraneck ME DMF
Pat Keliher, ME (AA)	Beth Versak, MD DNR
Rob LaFrance, Quinnipiac Univ	Kelly Whitmore, MA DMF
Wilson Laney	Kate Wilke, TNC
Mike Luisi, MD DNR	Chris Wright, NOAA
Chip Lynch, NOAA	Sarah York, NOAA
Shanna Madsen, VMRC	Erik Zlokovitz, MD DNR
Nichola Meserve, MA DMF	

The Atlantic Herring Management Board of the Atlantic States Marine Fisheries Commission convened via webinar on Tuesday, February 2, 2021, and was called to order at 4:00 p.m. by Chair Cheri Patterson.

CALL TO ORDER

CHAIR CHERI PATTERSON: Good afternoon, Atlantic Herring Management Board members. Welcome to the last part of our day. I'm Cheri Patterson, the Chair person; and I would like to call the meeting to order at this point in time.

APPROVAL OF AGENDA

CHAIR PATTERSON: With the Board's consent, I would like to approve the agenda. Are there any objections or edits to the agenda? If so, please raise your hand.

MS. TONI KERNS: I see no objections.

CHAIR PATTERSON: With no objections, the agenda is approved by consent. Thank you.

APPROVAL OF PROCEEDINGS

CHAIR PATTERSON: Next, I would like, with the Board's approval to seek consent to approve the proceedings from the October, 2020 meeting. Are there any objections or changes to the proceedings? If so, please raise your hand.

MS. KERNS: I see no objection.

CHAIR PATTERSON: Seeing no objections, the proceedings are approved by consent. Thank you. Next on the agenda we will be seeking public comment on items not on this agenda. If any public would like to make any comments, please raise your hand.

MS. KERNS: I see no hands up for comment.

SET THE SUB-ANNUAL CATCH LIMIT FOR THE 2021-2023 FISHING YEARS

CHAIR PATTERSON: Okay, thank you, Toni. The next part of the agenda is Setting the Sub-Annual Catch Limit for the 2021-2023 Fishing Years. In October the Board set seasonal allocations for the 2020 Area 1A fishery, but the Sub-ACL specifications were not available. The New England Fishery Management Council recommended specifications for 2021 through 2023, through Framework 8 to NOAA Fisheries in September of 2020, and those are in your briefing materials.

NOAA is still reviewing Framework 8; therefore, the Proposed Rule specifications have not been published yet. A Final Rule is expected to be published after this Board meeting. I would like to turn over to, I don't know if it's going to be Emilie or Kirby, to go through the Sub-Annual Catch Limit for the next two years.

MR. KIRBY ROOTES-MURDY: Thanks, Cheri, it's Kirby. I'll be giving the presentation.

CHAIR PATTERSON: Thank you.

MR. ROOTES-MURDY: All right. Thanks, Chair Patterson. As you just mentioned, I'm going to go through a brief presentation on herring specifications. As you mentioned, I want to give the Board warning that this presentation is nearly identical to the information presented at the annual meeting, so if you have a feeling of déjà vu that is why.

As mentioned, the Council through Framework 8 in September, 2020, it contains 2021 through 2023 specifications, and proposes a lower catch limit for Area 1A Sub-ACL for 2021, at 1,391 metric tons, and then for 2022 and 2023, it goes a little bit lower to 1,184 metric tons. Just to understand that we are dealing with a low Sub-ACL to begin with, but this is also a reduction from what it was in 2020, approximately a 58 percent reduction.

The 2023 specs may be revised following the 2022 management track assessment. As Chair Patterson

noted, Framework 8 is still under review by NOAA Fisheries. We've been in contact with their staff, and they had indicated that they are working hard to get an interim Final Rule out at some point, but obviously at this point we don't have a Proposed Rule that has been published yet from them.

Just a breakdown on this slide. We have the overfishing limit, acceptable biological catch, management uncertainty, annual catch limit, domestic annual harvest, and border transfers. The SSC initially considered a higher ABC for 2023 when looking at this table, but ended up recommending that the Council maintain the 2022 ABC of 8,767 metric tons as part of the Framework.

The Council agreed to do so for two primary reasons. The lower ABC helps reduce scientific uncertainty, and both the SSC and the Council viewed the 2023 ABC as a place holder, so 2023 specifications will likely be updated as mentioned, based on the 2022 management track assessment results.

You can see here the acceptable biological catch in 2021 is 9,483 metric tons, and then for the next two years it is set slightly lower at 8,767 metric tons. Under that you have the management uncertainty that has held static for both 2021 and then the next two years at 4,669 metric tons. When it comes to the annual catch limit, which again is subdivided by these different areas, for 2021 that is 4,814 metric tons, and then for 2022 and '23 it is 4,098 metric tons.

It's always good to note that that number can change, depending on the New Brunswick weir fishery, and that is dependent on their catch through October 1. That could be adjusted and more landings can be added to the Area 1A Sub-ACL, depending on how that fishery performs. Getting to specifications by area, in particular Area 1A, Sub-ACL is 28.9 percent of that total ACL.

As I've mentioned in the previous slide it's a decrease in 2021, and a further decrease the next two years. This also includes in this breakdown the fixed-gear set aside of 30 metric tons. Also, important to note that there is a research set aside that at least was recommended by the Council back in September, a 3 percent for 2021, but that for 2022 and 2023, that is currently set at 0. That's on the next slide. In terms of how the Sub-ACL is divided up for the fishing season. In October, based off of those specifications that the New England Council set, the Board set the seasonal allocations for this fishing season in 2021, with 72.8 percent of the Sub-ACL available from June through September, and 27.2 percent allocated from October through December.

For Board action for consideration today, the Board can consider approving the Atlantic herring specifications for these three years, as recommended by the Council, contingent on a Final Rule being published by NOAA Fisheries. With that I will take any questions.

CHAIR PATTERSON: Are there any questions for Kirby from the Board?

MS. KERNS: I see no hands raised.

CHAIR PATTERSON: Okay, is there any questions for Kirby from the public?

MS. KERNS: No hands.

CHAIR PATTERSON: Thank you. I would like to ask the Board if there are any members that would like to make a motion to set the 2021 to 2023 Sub-ACL specification, pending release of the Proposed Rule by NOAA Fisheries.

MS. KERNS: You have Megan Ware and Dennis Abbott with their hands up.

CHAIR PATTERSON: Okay, I will go with Megan first.

MS. MEGAN WARE: Madam Chair, I am happy to make that motion, and I think the language that

Kirby had on his second to last slide would be a perfect motion, if that can be put on the screen.

CHAIR PATTERSON: Thank you, Megan. Dennis, was this also going to be your motion?

MR. DENNIS ABBOTT: Yes, I'll second the motion, and I was wondering in the previous slide if that was the last herring.

CHAIR PATTERSON: Say that again, Dennis, if the previous slide what?

MR. ABBOTT: Was it the last herring in the world.

CHAIR PATTERSON: All right, Megan, would you like to read off the motion?

MS. WARE: Sure. Move to approve the following Atlantic herring specifications for 2021-2023 as recommended by the New England Fishery Management Council, contingent on the Final Rule being published by NOAA Fisheries. For 2021 Annual Catch Limit equal to 4,814 metric tons, domestic annual harvest equal to 4,814 metric tons, border transfer equals 0. Area 1A Sub-ACL, 1,391 metric tons, Area 1B Sub-ACL, 207 metric tons, Area 2 Sub-ACL, 1,338 metric tons, Area 3 Sub-ACL, 1,877 metric tons, fixed gear set-aside, 30 metric tons, research set-aside, as a percent of a Sub-ACL 3 percent, and then for 2022 and 2023, annual catch limit 4,098 metric tons, domestic annual harvest, 4,098 metric tons, border transfers 0 metric tons. Area 1A Sub-ACL, 1,184 metric tons, Area 1B Sub-ACL, 176 metric tons, Area 2 Sub-ACL, 1,139 metric tons, Area 3 Sub-ACL, 1,598 metric tons, fixed gear set-aside 30 metric tons, research set-aside as a percent of Sub-ACL, 0 percent.

CHAIR PATTERSON: Thank you, Megan, so the motion as read by Ms. Ware and Mr. Abbott has seconded that motion. Is there any discussion among the Board members?

MS. KERNS: There are no hands raised. Oh, I'm in the wrong spot, there are still no hands raised.

CHAIR PATTERSON: Thank you, is there any comments from the public?

MS. KERNS: I see no hands raised.

CHAIR PATTERSON: Thank you, Toni, so is there any opposition to this motion from the Board members?

MS. KERNS: I see no hands raised.

CHAIR PATTERSON: The motion is passed by consent unanimously.

UPDATE ON AMENDMENT 8, AND CONSIDER IMPACTS TO THE AREA 1A FISHERY

CHAIR PATTERSON: The next agenda item is an update on Amendment 8, and we want to consider the impacts to the Area 1A Fishery. Amendment 8 was initiated by the Council in 2014. It specifies changes to the Atlantic herring management.

Including the establishment of a long term acceptable biological catch control rule, and the prohibition of midwater trawl gear inshore of 12 nautical miles from Canada to Connecticut, and inshore of 20 nautical miles off the east coast of Cape Cod. NOAA Fisheries recently published a Final Rule on the Amendment, with the effective date going on February 10, 2021. Again, this is in your briefing materials. Kirby, if you can give us an update, please.

MR. ROOTES-MURDY: Absolutely, thank you, Chair Patterson. As mentioned, here is a presentation just giving you all a brief update on Amendment 8. To review background, the New England Fishery Management Council initiated Amendment 8 in 2015, with the document's purpose being to establish, first off, the long term acceptable biological catch control rule for Atlantic herring that explicitly accounts for herring's role in the ecosystem.

The second important part of this Amendment is to address the biological and ecological requirements of Atlantic herring. Specific to this second item, the

documents intent was to, as Cheri mentioned, to address potential localized depletion and user group conflict. I will explain this further later on, but the Amendment addresses this through implementing an inshore midwater trawl restricted area.

As mentioned, the final environmental impact statement was approved by the Council in 2018, and NOAA Fisheries published a Final Rule last month with an effective date of February 10, 2021. In terms of the ABC Control Rule. When the biomass is greater than 50 percent of spawning stock biomass over spawning stock biomass MSY, the maximum fishing mortality rate allowed is 80 percent of FMSY, so 20 percent of FMSY is left explicitly for herring predators. Under this policy, as the biomass declines, fishing mortality declines linearly, and its biomass falls below 10 percent of SSB over SSBMSY, then the ABC is set to 0, with no fishery allocation.

The Control Rule sets the ABCs for a three-year period, but it allows the ABC to vary year to year, in response to projected changes in biomass. As mentioned, the goal of the restricted area is to minimize local depletion. The midwater trawl gear was the target of the restriction, because they are more mobile, and capable of fishing in offshore areas, unlike other gear types, such as purse seine or fixed gear.

The main focus was on the associated user group complex between midwater trawl, versus pretty much everyone else, in particular predator fisheries in the Gulf of Maine and southern New England, as well as ecotourism, and the tuna fishery that takes place in Area 1A during the fall. The midwater trawl restricted area is inshore 12 nautical miles from the U.S./Canadian border to the Rhode Island/Connecticut border, and inshore 20 nautical miles off the east coast of Cape Cod.

Vessels are able to transit through this area, but gear must be stowed. Now, there is an exception to this, where permitted vessels

fishing under the Research Set-Aside Program with an exempted fishing permit, are allowed to fish in this area. As noted, up to 3 percent was recommended by the Council to be set aside for those types of gears to be able to fish under the RSA, and in turn there could be midwater trawl vessels that fish under that this year potentially.

The only other thing I wanted to remind the Board of is that there is a prohibition of midwater gear in Area 1A from June 1 through September 30. Access starts for this gear type starting October 1. This slide shows the restricted area relative to the management areas. Ahead of this meeting staff reached out to the states of Maine, New Hampshire, Massachusetts and Rhode Island regarding the potential impacts of this rule change on their state-only permitted midwater trawl vessels.

Maine and New Hampshire do not allow midwater trawling in state waters, and Massachusetts, while not having an explicit ban, does not foresee any issues or loopholes with state-only permitted vessels fishing in this area, as it previously had been a rare occurrence. Rhode Island is in the process of implementing a midwater trawl prohibition in state waters for non-federally permitted vessels through their regulatory process. With that, that concludes my presentation and I'll take any questions. Thank you.

CHAIR PATTERSON: Thank you, Kirby, is there any questions from the Board?

MS. KERNS: I do not see any hands raised.

CHAIR PATTERSON: Thank you, are there any questions from the public?

MS. KERNS: No hands are raised

**UPDATE ON THE NEW ENGLAND FISHERY
MANAGEMENT COUNCIL AND COMMISSION
COORDINATION DISCUSSIONS**

CHAIR PATTERSON: Okay, well let's move on to the next agenda item on Updating us on the New

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England Fishery Management Council and Commission Coordination Discussions. These discussions were initiated, due to concerns raised in recent years that management alternatives considered by the Commission may have been inconsistent with the federal Atlantic herring FMP, and Council comments on specific measures.

They may not have been taken into appropriate consideration by the Commission. A Technical Workgroup of the Commission Plan Review Team, and Council Plan Development Team members that was Co-Chaired by the Commission Herring Board and the Council Herring Committee Chairs, met in 2020 to discuss a proposed list of the shared management responsibilities for review by the leadership. This is an update on those discussions at the leadership level. Bob, would you like to hop on?

EXECUTIVE DIRECTOR ROBERT E. BEAL: Yes, I'll give it a shot, Madam Chair, if that's okay. I pretty much realize this is the last agenda item on a long day, so I'll go very quickly. I think the background that Cheri provided was great. You know just as additional background; the membership of the Leadership Group is the Chair and Vice-Chair and Executive Directors of the New England Council and ASMFC.

As Cheri said, you know the idea is to improve coordination and address some of the jurisdictional concerns that have been coming up, and review the division of labor, is what I call it, document that the Technical Working Group pulled together. The group held a couple calls and ultimately ended up with a number of legal questions about how the Magnuson-Stevens Act and the Atlantic Coastal Act interacted, and the responsibilities and abilities of the state and federal government to work together.

The Leadership Group asked Tom Nies and I, as the two Executive Directors to meet with Chip Lynch and Mitch MacDonald, two of the

attorneys from the Regional Office, and talk through the provisions of the Magnuson-Stevens Act and the Atlantic Coastal Act, and how those two laws interact and overlapped, and where there was clear direction, and where there is some room to operate.

A number of areas there are very, sort of what we are calling clear and bright lines between the law that prohibited certain things from occurring in federal waters, if they were mandated through interstate FMP. However, there were, you know for example, you know states cannot implement management measures that undermine the federal FMP. However, the states could implement measures that complemented a federal FMP, even if those measures extended out in the federal waters. There seem to be an ability to work there.

There is a little bit of interpretation there of what complements and what undermines the federal plan. While there is some guidance about undermining federal authorities, there is still some room for discussion between the Leadership Group, or that the Leadership Group still needs to have. The Leadership Group has not met following the call that I had with Tom Nies and the two attorneys. That call took place a couple months ago, we just haven't gotten back together as a Leadership Group. We will get back together, hopefully sooner rather than later, and talk through the division of responsibilities, and really if the Leadership Group working with the membership of the Commission and Council can come up with what they want this bigger herring management program to look like. I think there is ample flexibility in both of the laws to allow the Commission and Council to implement those provisions. We just have to really, what do we want the coordination to look like?

Then kind of go back and see what we can do and what flexibility we do have under the existing laws, because there is some flexibility, but there also is some very clear direction about what the Commission can and can't so in federal waters. The bottom line, Madam Chair, is we need to get the Leadership Group back together, and react to the guidance and input that we got from the attorneys,

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and then bring something back to the Council and Commission, hopefully as I said, sooner rather than later.

CHAIR PATTERSON: Thank you, Bob. Does anybody in the Board have further questions for Bob?

MS. KERNS: I don't have any hands raised, Cheri.

CHAIR PATTERSON: Thank you again, Bob. Next, I would like to move on to Other Business. Before I ask the Board members if they have other business, we're going to hear from Kirby on a small presentation of the 2021 New England Fishery Management Council Herring Work Priorities.

MR. ROOTES-MURDY: Thank you, Chair Patterson. Yes, I'll be brief with this. My colleague over at the Council, Deirdre, she shared this presentation with me, so I'll go through this, and if she's got anything else to add, definitely feel free to chime in Deirdre. As outlined on the screen, the four main work priorities are the continued development of Framework 7.

This is an action to help protect spawning of Atlantic herring on Georges Bank. The second is to develop rebuilding plan for Atlantic herring, because it's been declared overfished. The third is to review and potentially adjust herring accountability measures, and that includes potentially adjusting how the Sub-ACL overages are accounted for in the carryover provision.

Then the last one is to coordinate to what Bob was mentioning, more with the Commission and the Mid-Atlantic Council. Obviously, the timing is uncertain on these, but issues may be combined into one large action or several separate actions. Then in terms of the Framework 7, just so the Board has a little bit more understanding of what this is proposing.

There is a number of alternatives under consideration right now, they range from no action, so no closures on Georges Bank, to spawning closures that include a two-area option, a two-season option, 6 and 8 weeks, and then options for which vessels are restricted. It's still under development, so this may include different types of vessels by gear type.

It's reviewing the measures adopted to evaluate their effectiveness. This is an effort to try to determine how effective previous spawning protections have been around these areas. The last is a spawning tolerance, where between 10 to 30 percent allowance of landed herring in spawning condition. This would be similar to the GSI Program that the Commission used in the early 2000s. With that I will take any questions, or if Deirdre has anything else to add.

CHAIR PATTERSON: Deirdre, do you have anything else you would like to add?

MS. DEIRDRE BOELKE: No, all set, great job, Kirby.

CHAIR PATTERSON: Thank you, is there any questions from the Board members for Kirby?

MS. KERNS: I don't see any hand raised, Cheri.

CHAIR PATTERSON: Is there other business that the Board members would like to bring forward?

MS. KERNS: I have Dennis Abbott.

CHAIR PATTERSON: Go ahead, Dennis.

MR. ABBOTT: Thank you, Madam Chairperson. It's kind of early to be thinking about it, but probably a question more directed towards Maine. We're going to have the sum total of about 1,000 tons available in the first segment or trimester, however it's going to be.

Is it too early to start thinking about how we're going to limit the fishery as to days and wind and whatever, or are we going to be having meetings every couple of days, because we're approaching

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our limit? It's going to be, I think more difficult this year, as the quota keeps going down, down, down. I don't know if Megan had any thoughts. But I understand it's early.

CHAIR PATTERSON: I agree, Dennis, it is early, go ahead, Megan.

MS. WARE: Hi Dennis, yes. I haven't given it too much thought yet, to be honest. But I agree, it's going to be really challenging this year, because I think you're right. I think we're going to be bumping up against the limits really quickly. I need to think more about what that means both in trip limits and phase-out. But yes, it will be very challenging.

MS. KERNS: Madam Chair, would you want to have some days-out calls earlier, because of this challenge, or is our normal schedule, will that work for you all?

CHAIR PATTERSON: The normal schedule is June, is that correct?

MS. KERNS: We usually have the first one more April, towards the end usually, but sometime in April.

CHAIR PATTERSON: Well, that gets us past the whale concerns that we all have to focus on for a while. Megan, are you opposed to having the meeting in April? Will that give you time?

MS. WARE: I think April is fine. I'm fine with our normal schedule. Unfortunately, I don't think there is any like rabbit tricks, or rabbit out of the hat tricks we're going to pull out on this one. I think it's just a really tough situation. I don't think there are any miracles that I'm foreseeing.

CHAIR PATTERSON: Dan. Did you want to weigh in for Mass?

MR. DANIEL McKIERNAN: I think April is fine.

CHAIR PATTERSON: Okay, we'll start with organizing a meeting in April, Toni.

MS. KERNS: Thank you, will do.

ADJOURNMENT

CHAIR PATTERSON: Is there any other business being brought before the Board?

MR. ABBOTT: Motion to adjourn.

CHAIR PATTERSON: There you go.

MS. KERNS: No new hands were raised.

CHAIR PATTERSON: Thank you, is there a second to the motion?

MS. KERNS: Ray Kane.

CHAIR PATTERSON: Meeting is adjourned, thank you everybody, have a good evening.

(Whereupon the meeting convened at 4:33 p.m. on Tuesday, February 2, 2021.)