



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** Atlantic Herring Management Board  
**FROM:** Megan Ware, FMP Coordinator  
**DATE:** October 15, 2018  
**SUBJECT:** 2019 Specifications for Area 1A

At each Annual Meeting, the Atlantic Herring Management Board (Board) considers setting specifications for the Area 1A fishery. A primary component of this specification process is determining which quota periods will be used and whether quota from January 1-May 31 will be allocated to later in the fishing season. Per Amendment 3, the Board can consider distributing the Area 1A sub-ACL using bi-monthly, trimester, or seasonal quota periods to meet the needs of the fishery. Recently, the Board has chosen to use seasons in which 0% of the Area 1A sub-ACL is allocated from January 1 – May 31, 72.8% is allocated from June 1 – September 30, and 27.2% is allocated from October 1 – December 31.

Given the results of the 2018 Atlantic Herring Benchmark Stock Assessment (SAW 65), it is expected that there will be significant reductions in the 2019 Atlantic Herring ACL, and subsequently in the Area 1A sub-ACL. As a result, the Board may want to consider whether the current quota periods meet the needs of the fishery. Attached to this memo is an excerpt from Amendment 3 which outlines the quota periods which can be considered via the specification process. It is important to note that the percentages shown in Tables 5 and 6 are fixed and can only be changed through a subsequent addendum or amendment.

# *Atlantic States Marine Fisheries Commission*

## **Amendment 3 to the Interstate Fishery Management Plan for Atlantic Herring**



**February 2016**

**Updated June 2018 to Reflect Revised Definition of a Sample in the  
Spawning Re-Closure Protocol**

*ASMFC Vision: Sustainably Managing Atlantic Coastal Fisheries*

#### 4.2.3.2 Quota Periods

Quota periods shall be determined annually, as specified in *Section 4.2.3.1*. The Area 1A sub-ACL shall be distributed using bi-monthly, trimester, or seasonal quota periods whichever meets the needs of the fishery. If a quota period is closed early due to the full allocation being harvested, vessels are prohibited from landing more than 2,000 lbs. of Atlantic herring per trip until the next quota period begins.

*Bi-monthly periods are established as follows:*

Period 1: January 1 – February 28 (29)

Period 2: March 1 – April 30

Period 3: May 1 – June 30

Period 4: July 1- August 31

Period 5: September 1 – October 31

Period 6: November 1 – December 31

*Trimesters are established as follows:*

Trimester 1: January 1 – May 31

Trimester 2: June 1 – September 30

Trimester 3: October 1 – December 31

*Seasons are established as follows:*

Season 1: January 1 – September 30

Season 2: October 1 – December 31

In addition to having flexibility to choose between bi-monthly, trimester, or seasonal quotas, quota from the January 1 – May 31 period may be allocated to later in the fishing season in response to conditions in the fishery. The January 1 – May 31 period quota may be distributed to each remaining period proportional to the quota share of the remaining periods. If the bi-monthly periods with no landings before June 1 option is selected, the Section has the option to count June as its own period, or December as its own period (Table 5).

The allocations percentages for each quota period system were derived from Vessel Trip Reports from 2000 – 2007 and represent historical fishing effort that was driven by market demand for herring (Table 5 and 6). These allocation percentages are fixed and can only be changed through a subsequent addendum or amendment.

For reference, the 2016-2018 specifications allocate Area 1A's sub-ACL through seasonal quotas with no landings before June 1; 72.8% will be available from June 1 – September 30 and 27.2% will be available from October 1 – December 31.

**Table 5. Bi-monthly quota percent allocations. Percentages were calculated using vessel trip reports from 2000 – 2007**

Bi-Monthly Quotas								
January – December			No Landings Prior to June 1 (with June as a one-month period)			No Landings Prior to June 1 (with December as a one-month period)		
Period	Months	%	Period	Months	%	Period	Months	%
1	Jan/Feb	1.5%	1	June	16.4%	1	June/July	36.8%
2	Mar/Apr	2.3%	2	July/Aug	40.1%	2	Aug/Sep	36.0%
3	May/June	24.0%	3	Sep/Oct	34.0%	3	Oct/Nov	27.1%
4	July/Aug	34.6%	4	Nov/Dec	9.5%	4	Dec	0.2%
5	Sep/Oct	29.4%						
6	Nov/Dec	8.2%						

**Table 6. Trimester and seasonal quota percent allocations. Percentages were calculated using vessel trip reports from 2000 – 2007**

Trimesters			Seasonal Quotas					
January – December			January - December			No Landings Prior to June 1		
Trimester	Months	%	Season	Months	%	Season	Season	%
1	Jan - May	13.7%	1	Jan - Sep	76.5%	1	Jun - Sep	72.8%
2	Jun - Sept	62.8%	2	Oct - Dec	23.5%	2	Oct - Dec	27.2%
3	Oct - Dec	23.5%						

#### 4.2.3.3 Seasonal Splitting of Quota for Areas 1B, 2, and 3

States are allowed to seasonally split the sub-ACLs in all management areas to maximize value to the Atlantic herring fisheries. The actual splits (amounts or percentages by months, trimesters, or seasons) would be set as part of the specifications process.

#### 4.2.3.4 Quota Rollover for All Management Areas

For each management area, up to 10% of quota may be carried over to the first fishing year after final landings data are available, within that same management area, provided that the ACL is not exceeded for the entire fishery. The stock-wide ACL cannot be changed from the annual specification. The intent of a quota rollover is to provide some flexibility to the fishing industry. Furthermore, unused quota in one period may be rolled over to the next period within the same fishing year.

Under management measure 4.2.3.4, the following provisions apply:

- All harvest control measures continue to apply to stockwide and sub-ACLs.
- All carryovers are based on initial sub-ACL allocations for the fishery year.
- Sub-ACL underages are determined based on the same methodology used to determine sub-ACL overages.
- Sub-ACL carryovers are only authorized if the total ACL for the fishing year is not exceeded.

- Provisions for carryovers, including percentages/amounts, can be modified in the future through the herring fishery specifications process (in addition to framework adjustments and amendments).
- Unused quota may be rolled from one period to the next within the same year.

#### *4.2.3.5 ACL/Sub-ACL Overage Deduction (Accountability Measures)*

This measure establishes annual paybacks for ACL/Sub-ACL overages.

Once a final total catch for a fishing year is determined during the subsequent fishing year using the best available information (including VTR reports to account for incidental catch in other fisheries), ACL/Sub-ACL overage would result in a reduction of the corresponding ACL/sub-ACL for the fishing year after the final total catch is tallied. The deduction will be equal to the amount exceeded.

NEFMC is required to implement AMs as part of MSRA. NMFS' Guidelines state accountability measures are management controls implemented for stocks such that exceeding the ACL is prevented, where possible, and corrected or mitigated if it occurs. NMFS suggests that three kinds of AMs that could be considered: (1) those that can be applied in-season, designed to prevent the ACL from being reached; and (2) those that are applied after the fishing year, designed to address the operational issue that caused the ACL overage and ensure that it does not happen in subsequent fishing years, and, as necessary, address any biological harm to the stock; and (3) those that are based on multiyear average data which are reviewed and applied annually. AMs should address and minimize the frequency and magnitude of overages and should be designed so that if an ACL is exceeded, specific adjustments are effective in the next fishing year or as soon as possible. Multi-year specifications (like those for the Atlantic herring fishery) should include AMs that provide for automatic adjustments in the subsequent year's harvest if an ACL is exceeded in one year.

Several of the management measures in the Atlantic herring fishery function as AMs as described above. These measures are designed primarily to prevent the management area sub-ACL from being exceeded during the fishing year, as well as improve the likelihood that OY can be caught on a continuing basis while preventing overfishing.

Specifically, NMFS and ASMFC will close the directed fishery when 92% of a management area's sub-ACL is projected to be harvested, as specified in *Section 4.2.3.6*. This precautionary closure helps ensure that an area's sub-ACL is not exceeded.

#### *4.2.3.6 Harvest Control Measures: Sub-ACL Trip Limit Triggers*

For all management areas, directed fisheries in a management area will close when 92% of the sub-ACL is projected to be reached, and then the stock-wide fishery will close when 95% of the total ACL is projected to be reached. A 2,000 pound bycatch allowance will continue when the directed fishery is closed.

#### *4.2.3.7 Specification Process for Sub-ACL Triggers*

Sub-ACL triggers will be set using the annual specification process.

***F/V PROWLER (Prowler Fisheries, Inc.)***  
***Harbor Bait, Inc.***  
***(207)633-2214***

Atlantic Herring Management Board

Dear Committee Members,

Our family operates Harbor Bait and the herring seiner Prowler out of Boothbay Harbor, ME. We would like to offer our comments in regard to the proposed quota cuts (specifically Area 1A).

1. We question the validity of the TAC that these cuts were based on. Part of the decision-making process was based on the lack of juvenile herring. Our fishing experience this summer proved just the opposite. The majority of the over one million pounds of herring the Prowler has caught to date this year are in the 5" to 8" size range. There were no observers assigned to us until this week and due to weather, our 47' boat was unable to fish. There has not been sufficient sampling over wide areas of the fishery to allow science to accurately determine a TAC.
2. Another concern is that the special interest groups (sport, recreational fishing and environmental) are applying pressure to make these extreme quota cuts.
3. The recommendations to NMFS for the 2019 sub-ACL seem impractical and unrealistic. The revised 2018 quota was based on 2017 actual landing totals for each area. The area where the fish are currently most plentiful, (1A) is being hit with the biggest cut. With the newly proposed 12- mile trawl buffer, landings in Area 2 will undoubtedly decline dramatically or become non-existent. Perhaps the Area 2 quota should be reallocated? Why are Areas 2 & 3 quotas being increased percentage wise? Please see the table below which compares the percentage distribution of the total quota for all Areas.

<u>Revised 2018 Quota (mt)</u>		<u>Proposed 2019 (mt)</u>	
Area 1A – 27,743	(56%)	4,208	(29%)
Area 1B - 2,639	(6%)	626	(5%)
Area 2 - 8,200	(17%)	4,047	(28%)
Area 3 - 11,318	(23%)	5,678	(39%)
<b>Totals - 49,900</b>		<b>14,588</b>	

4. In 2017 and likely in 2018 the Area 1A quota will not be fully utilized. One reason that purse seine landings in 1A may have been less than projected, is that some vessels that originally declared into the purse seine fishery rigged over to trawl fish in other areas. Between spawning closures, mandatory days out, weather restrictions, and trimester closures, it will always be difficult to catch the entire quota. Fishing days are set to spread the quota over the entire trimesters and there are always unforeseen complications resulting in less than full utilization.
5. Because the weather is typically unfavorable, and fish migration patterns change rapidly after the first of October, more fish should be allocated to the 2<sup>nd</sup> trimester when the demand for fresh herring is higher.

Instead of huge cuts to the quota, there should better and more sampling.

Sincerely,  
Jeanne, Samuel, and Chuck Fuller