



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

March 20, 2020

**To: Atlantic Herring Management Board**

**From: Atlantic Herring Advisory Panel**

**RE: AP Review of Draft Addendum III**

### AP Members

Beth Casoni  
Steve Weiner

Jeff Kaelin (AP Chair)  
Gerry O'Neill

Mary Beth Tooley

### Public

Chris Weiner  
Paul York

### Staff

Kirby Rootes-Murdy (ASMFC)

### **The following memo contains the Atlantic Herring Advisory Panel's review of the Draft Addendum III Alternatives for Quota Allocation and Days Out Measures**

The AP met via conference call on March 19<sup>th</sup>, 2020 to review Draft Addendum III. After a presentation of the Addendum options, AP members asked questions and provided comments on the options. Comments and recommendations are summarized below, broken out by issue items as presented in the document. At the start of the meeting, the AP Chair noted that only 5 of 14 members of the AP joined the call (in addition, one member alerted staff to a conflict) and suggested that the Board ask States to repopulate the committee to attract members who are willing to participate. Additional comments were provided by AP members following the call via email and the summary has been adjusted to reflect that feedback.

### Proposed Management Program:

#### **Issue 1: Quota Management Options**

Four AP members were in favor of maintaining the status quo value (Option 1); one member\* indicated their support for the Alternate Seasonal Allocation: 0% Jan-May; 100% from June 1-December 31 (Option 2).

Reasons cited in support of status quo focused primarily on concern that the current allocation options available to the Board through Amendment 3 are sufficient, and that new allocation percentages or timing of seasons/trimesters is not needed at this time. Additionally, there was specific concern that both Options 2 and 3 could potentially prevent the trawl vessels from participating in the fishery if the sub-ACL is caught prior to October 1. It was emphasized that allocations of more than 20% for October 1-December 31, in particular the Board's approval of the seasonal allocation of 27.2% for the 2020 fishing year, last fall, is very important to the lobster fishery, especially in Massachusetts. Options 2 and 3 pose the risk of excluding trawlers from accessing the resource after October 1 (depending on the days out measures selected), which could leave these Federally-permitted vessels out of the Area 1A fishery. Losing access to the resource for these gear types during that time of year would be devastating.

The AP member\* in favor of option 2 cited the need for more flexibility during a difficult time in the fishery, with much lower quota levels than have been seen in recent years. This individual emphasized that there is 'not enough fish to go around', and that there are three other management areas in which herring can be caught and that by approving these options in the document, simply provides the Board with more allocation schemes to choose from annually.

The Chair suggested that the Board consider a lottery system, with a low quota, as is done in the Federal scallop fishery when access areas cannot support access to the entire full-time fleet.

*Public:* One member of the public spoke in favor of Option 2 and indicated they would provide written public comments following the call.

## **Issue 2: Days Out of the Fishery Permit Provisions**

Four AP members were in favor of extending the Category A Permit Days Out of the Fishery provisions to Category C Permits (Option 2). Reasons cited was a need to address concerns that currently, some Category C permitted vessels that are not in the Small Mesh Bottom Trawl Program (Category C & D) could be effectively operating outside of the Days Out Program with the Federal possession limit for these vessels being greater than the possession limits that have been imposed in the Days-Out Program. Specifically, decreasing Category A Permits' weekly landing limit while not doing so to Category C Permits' weekly landing limit, was seen as not fair.

That being said, there was also concern expressed about how Category A Permits and Category C Permits land significantly different quantities of fish, and therefore applying the same measures may pose issues of fairness. Additionally, as an economic analysis was not conducted on the potential impact of these changes to the fishery, there are many unknowns about how it could affect Category C Permits that are not in the Small Mesh Bottom Trawl Program. It was noted that Option 2 in many ways 'is trying to solve the right problem it just doesn't go far enough'. Lastly, it was noted that Category C permits already have a specified trip limit (55,000

pounds per trip/day in all areas) as part of their federal permit and that applying a weekly trip limit in addition to that may be adjusting allocations to certain federal permit holders.

*Public:* Two members of the public also spoke in support of Option 2, indicating their concern that with recent low quota levels, there may be additional latent effort of permit holders re-entering the fishery given a potential increase in the demand for herring

### **Issue 3: Weekly Landing Limit Per Vessel**

Three AP members indicated their support for Option 3 (Applying a weekly harvester landing limit for all vessels throughout all quota periods), with the caveat they are opposed to a weekly trip limit being applied in Trimester 3 (starting Oct 1). Reasons cited were similar to those mentioned under Issue #2, with the addition of supporting removal of the 45 day notification requirement as it has not been helpful in estimating participation for the upcoming fishing season. But specific to the issue item, these AP members expressed a lot of concern about applying a weekly trip limit in October, and so while there was support for Option 3, the AP members made it clear that a weekly trip limit shouldn't be applied after October 1<sup>st</sup>. One AP member\* expressed their support for Option 3 with the use of weekly landing limits to be extended after October 1. This member indicated that during low quota times it makes no sense to abandon the use of weekly limits in October/November. Additionally they cited that effort greatly increases in October and the threat of exceeding a small quota is likely.

Additionally, some AP members spoke to the need to have different weekly landings limits for each permit category so as to ensure equitable access to the resource.

*Public:* One member of the public indicated their support for having the same days out measures be applied for both Category A and Category C permits that are not a part of the Small Mesh Bottom Trawl Program.

\*Following the call, two additional AP members provided feedback on the draft addendum via email. They indicated their support for:

- Section 3.1 Quota Management, **Option 2:** Alternate Seasonal Allocation: 0% Jan-May; 100% from June 1-December 31
- Section 3.3 Weekly Landing Limit per Vessel, **Option 3:** Applying a Weekly Harvester Landing Limit for all vessels throughout all quota periods.

Reasons cited mirrored comments made by AP members on the call (noted by the \* above).

### **Additional Comments:**

- A few AP members indicated that the Board should more strictly address issues relating to Category C Permits. One member indicated that these permit holders should not be allowed to catch more than Category A permits. This individual also noted that in times where Category A permit holders are sacrificing, we should not be encouraging/supporting more fishing effort from Category C permitted vessels. Lastly, they expressed concern about latent effort from Category C permit holders not currently active in the fishery.
- A number of AP members expressed frustration with the wording of the management options and need for clarity in how the proposed options will impact each permit category
- A general comment was offered that Federally Permitted Vessels may be negatively impacted by actions taken by the states/ASMFC through options in the Addendum and that this is problematic.
- There was interest expressed by a number of the AP members on the call to meet more regularly. In particular, a few AP members indicated their frustration that they were not consulted in the drafting of the Addendum as they are more likely to understand specifically how the fishery operates.
- It was noted that social and economic analyses are missing from much of this document and other Commission management documents and that this needs to be addressed. This AP member mentioned that the issue had been raised to the Executive Director of the Commission previously.
- One AP member noted the menhaden landings data in the document should have considered landings by other states south of the management unit (Maine-New Jersey) that help support the bait demand to the lobster fishery, which is helping to lessen the need to change how the herring fishery is operating in Area 1A .