

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

**Webinar
October 19, 2020**

Approved February 2, 2021

Proceedings of the Atlantic Herring Management Board
October 2020

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2. **Move to approve proceedings of August 5, 2020** by Consent (Page 1).
3. **Move to allocate the 2021 Area 1A Sub-ACL seasonally with 72.8 percent available from June through September, and 27.2 percent allocated from October through December. The fishery will close when 92 percent of the seasonal period's quota has been projected to be harvested, and underages from June through September shall be rolled into the October through December period** (Page 3). Motion by Megan Ware; second by Ray Kane. Motion carried (Page 4).
4. **Motion to adjourn** by Consent (Page 5).

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ATTENDANCE

Board Members

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

(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	Jeff Kipp
Toni Kerns	Laura Leach
Maya Drzewicki	Savannah Lewis
Kristen Anstead	Sarah Murray
Max Appelman	Caitlin Starks
Dustin Colson Leaning	Deke Tompkins
Tina Berger	Geoff White

Guests

Pat Augustine, Coram, NY	Aubrey Ellertson, CFR Foundation
Michael Auriemma, NJ DEP	Marianne Ferguson, NOAA
Richard Balouskus, RI DEM	Cynthia Ferrio, NOAA
Peter Benoit, Ofc. of Sen. King, ME	Rick Frenzel, BlackTree Inc
Dave Bethoney, U MASS	Emily Gilbert, NOAA
Deidre Boelke, NEFMC	Willy Goldsmith, SGA
Jeff Brust, NJ DEP	Zoe Goozner, Pew Trusts
Beth Casoni, MA Lobstermen Assn.	Kurt Gottschall, CT DMF
Mike Celestino, NJ DEP	Melanie Griffin
Benson Chiles, Chiles Consulting	Matthew Heyl, NJ DEP
Matt Cieri, ME DMR	Wilson Laney
Heather Corbett, NJ DEP	Chip Lynch, NOAA
Kathy Cyr, USCG	John Maniscalco, NYS DEC
Jessica Daher, NJ DEP	Matthew Rogers, VMRC

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Guests (Continued)

Nichola Meserve, MA DMF
Brandon Muffley, MAFMC
Allison Murphy, NOAA
Derek Orner, NOAA
Nick Popoff, FL FSW
Brandon Raguz, NOAA
Brad Schondelmeier, MA DMF
Tara Scott, NOAA
Melissa Smith, ME DMR

Stephanie Sykes, Cape Cod Fishermen
Corinne Truesdale, RI DEM
Beth Versak, MD DNR
Mike Waine, ASA
Ashley Weston, NOAA
Kate Wilke, TNC
Chris Wright, NOAA
Erik Zlokovitz, MD DNR

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The Atlantic Herring Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Monday, October 19, 2020, and was called to order at 9:00 a.m. by Chair Cheri Patterson.

CALL TO ORDER

CHAIR CHERI PATTERSON: Well good morning, and welcome to the Atlantic Herring Management Board webinar. I'm Cheri Patterson, the Chairperson, and I would like to call the meeting to order at this point. I hope everybody is doing well and hanging in there. We won't be conducting a roll call.

Toni has already essentially accounted for people to be on the Board, and whether we have a quorum or not, so we will not be conducting that roll call process.

APPROVAL OF AGENDA

CHAIR PATTERSON: I would like to move forward with the Board's consent to approve the agenda. Are there any objections or edits to approving the agenda from the Board members? If so, please raise your hand. Whose hand is raised?

MS. TONI KERNS: David Miramant.

CHAIR PATTERSON: David, go ahead.

SENATOR DAVID MIRAMANT: In error, never mind.

CHAIR PATTERSON: Okay, thank you. Seeing no hands raised, then the agenda is approved.

APPROVAL OF PROCEEDINGS

CHAIR PATTERSON: I would like to move forward with approving the proceedings, the August 2020 meeting. Is there any edits or changes to the proceedings? If so, please raise your hand.

MS. KERNS: There are no hands raised.

CHAIR PATTERSON: The proceedings are approved by consent.

PUBLIC COMMENT

CHAIR PATTERSON: Is there any public comment?

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

SET 2021 FISHERIES SPECIFICATIONS

CHAIR PATTERSON: Let's move forward with the 2021 Fisheries Specifications. We will be looking at setting the next quota period for Area 1A for next year. That will be our final action for this, and we will be getting an update on the Fisheries Specifications from Max. Go ahead, Max.

MR. MAX APPELMAN: You should see the presentation up on the screen. Thank you again, Madam Chair, and good morning everyone. I have two sets of slides. The first is just to review the 2021-2023 Specs Package, and then another set of slides to review the decisions before the Board today regarding Area 1A in 2021.

First for specifications, they were again done through a framework action, Framework 8, which was approved by the Council late last month. A press release from the Council was included in your briefing materials, and in there are specifications for 2021 to 2023. That framework was submitted to NOAA Fisheries for a review, but a final rule has not been issued yet.

As far as catch limits, the framework proposes a lower catch limit for Area 1A. The Sub-ACL for 2021 is 1,391 metric tons, and then for 2022 and 2023 at 1,184 metric tons. Those catch limits were informed by results of the 2020 management track assessment, which the Board reviewed last August, and projections from that as well as recommendations from the Councils SSC, Advisory Panel, and of course the Herring Committee.

These catch limits are also informed by the ABC Control Rule, which is proposed in Amendment 8. It's a pretty significant decrease relative to 2020, which was already a low catch limit than the fishery is used

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to seeing. Of note the initial package, the initial projections showed an increase in the ABC for 2023, but the SSC recommended maintaining the 2022 ABC into 2023, due to scientific uncertainty primarily around the recruitment estimates in the projections.

The results of the assessment continue to show low levels of recruitment in recent years. This recommendation is in line with previous SSC recommendations in the past. A few other key specifications from Framework 8, the management uncertainty buffer was set similarly to how it's been set in the past based on 10-year average of Canadian catches. The border transfer was set at 0 metric tons.

Typically, the Council allocates a small percentage of the ACL for at-sea transfers from U.S. vessels to Canadian vessels, but this activity has not occurred much in recent years. That was set at 0 metric tons to provide as much opportunity to the fishery. The RSA in 2022 and 2023 was set at 0 percent. Again, typically there is a 3 percent set aside for research.

However, it was discussed that at these very low catch limits 3 percent isn't really sufficient to support research. It was in the best interest to hold that set aside for the fishery. However, it was set at 3 percent for 2021, because research was already awarded this year, and some of that work is expected to wrap up in 2021, so maintaining that opportunity.

As far as the carryover, it was set at 5 percent. Typically, we see 10 percent rollover, and this was sort of viewed as a balance between providing more fishing opportunity for the fishery, while also maintaining protection for the resource during these years of a low biomass and low catch limits.

Then the last bullet under here is adjustments to the incidental catch limit for herring in Areas 2 and 3, to help harvesters fully utilize the mackerel quota. Notice that is for Areas 2 and 3. These decisions did not impact the catch

limits for the incidental possession limits for herring in Area 1A. Just letting folks know about the decisions there. You can see more details about that in the briefing materials. For the decisions around the 2023 specifications were sort of viewed as a placeholder. There is a management track assessment scheduled for 2022, and so it is likely that results of that management track would inform 2023 and forward, so it's likely that those specifications could change.

Just as a reminder that the implementation date for this framework is anticipated for January 1 of 2021. Again, this specs package in Framework 8 was approved by the Council late last month. It's been passed on to NOAA Fisheries for final review, but a final rule has not been issued yet. Madam Chair, so I thought this would be a good place to just stop if there are any questions from the Board on Framework 8. I do have another set of slides to review today's decisions for Area 1A in 2021, but if there are any questions on Framework 8, I am happy to take those now.

CHAIR PATTERSON: Thank you, Max. Board members, do you have any questions for Max, please raise your hand.

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

CHAIR PATTERSON: Okay Max, go ahead on to your next set of slides then, thank you.

MR. APPELMAN: Now we're talking about the decision points today. In a typical year at this time there would be two decision points available to the Board, a focus for the Board. The first would be to approve the specifications as recommended by the Council, and then the second one would be to determine the period allocation for the upcoming fishing season, whether it be seasonal, trimesters or bimonthly, with some qualifications as to when the periods would close, and how underages would be handled.

However, similar to last year and I think the year before that as well, at this time the specifications package has not been formally approved by NOAA. The Board waited for Final Rule from NOAA Fisheries

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before setting specifications for the upcoming year. Of course, the Board could set them today as approved by the Council, but there would be a general understanding that those numbers could change, and that would certainly have to be addressed later.

In the past, last year and the years before, the Board has waited until February, once a final rule has been released, before setting specs. With that aside, the Board still needs to set a quota period for next year, and so that is the focus of today's decision. As a reminder, the quota periods are outlined in Amendment 3.

The Board can consider distributing the Area 1A Sub-ACL using bimonthly periods, using trimesters, or the seasonal quota approach. The Board can also decide whether quota from January 1 through May will be allocated to later in the fishing season. Just showing up on the screen what the Board decided for 2020.

It was a seasonal split with 72.8 percent of the quota allocated from June through September, and the remainder available from October through December. Here are the quota period options available in Amendment 3, keeping in mind these percentages are fixed. This is the suite of options available to the Board today. There are other Days Out measures available to control effort in the fishery, which are set later by the states of Maine, New Hampshire, Massachusetts, landing days, weekly landing limits, provisions on transfers and things like that.

Again, the Board for 2020 chose no landings prior to June 1, with 72.8 percent allocated from June to September, and 27.2 percent of the quota allocated from October to December. I'm sorry that was June to September and October to December. Just to recap again. The decision point today is really to set the quota periods for 2021, either seasonal, trimester, or bimonthly.

The Board could set specs for 2021 today if it so chooses, or like in the past wait until February, following final approval from NMFS, which was done the last few years. That is all I have, Madam Chair, happy to take any questions or of course move it to the Board for discussion.

CHAIR PATTERSON: Could you roll back one more slide, so people can see what we're going to be focusing on for decision points? Thank you. I would like to open up to the Board any questions in regards to this aspect of Max's presentation.

MS. KERNS: I don't see any hands yet, Cheri.

CHAIR PATTERSON: Is there any motion out there to set quota periods for the 2021 Area 1 Sub-ACL.

MS. KERNS: Megan Ware.

CHAIR PATTERSON: Megan, go ahead.

MS. MEGAN WARE: I had submitted a motion to staff, and if they are able to bring that up that would be helpful. My motion is to allocate the 2021 Area 1A Sub-ACL seasonally with 72.8 percent available from June through September, and 27.2 percent allocated from October through December. The fishery will close when 92 percent of the seasonal period's quota has been projected to be harvested, and underages from June through September shall be rolled into the October through December period.

CHAIR PATTERSON: Is there a second?

MS. KERNS: I have Ray Kane.

CHAIR PATTERSON: Thank you, Ray. Megan, would you like to speak to the motion?

MS. WARE: Sure, this is the same allocation we've used for this year, so it's just maintaining what we did in 2020 for 2021, and I think with the options that we currently have in Amendment 3, this is probably the best fit for right now.

CHAIR PATTERSON: Are there any questions towards this motion from the Board members?

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MS. KERNS: I see no hands.

CHAIR PATTERSON: Is there any questions or comment from the public?

MS. KERNS: I don't see any hands, and just as a reminder to raise your hand you click on the hand button and I think the red arrow will be pointed down when your hand is raised. I see none.

CHAIR PATTERSON: To move this motion forward, is there any opposition to this motion?

MS. KERNS: I see no hands raised.

CHAIR PATTERSON: Motion is approved by consent. Is there any other discussion on waiting for setting any other area specs to the February meeting?

MS. KERNS: I see no hands.

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

CHAIR PATTERSON: Okay. That moves us to the next agenda item. Where there have been some concerns in the recent years raised on having Commission versus Council inconsistencies in developing measures for Atlantic herring. Therefore, the Council and Commission leadership discussed these issues.

They put together a technical workgroup to see if there can't be any sort of agreement on defining roles of each of those management bodies being the Commission and the Council, by identifying which measures that each would be addressing for managing Atlantic herring. I will turn over to Toni an update on the coordination discussions in regards to this concern.

MS. KERNS: Thank you, Madam Chair. I'm actually going to defer to Bob Beal on this issue.

CHAIR PATTERSON: Go ahead, Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Good morning, Cheri, and thank you for the time, and welcome everyone to the 79th Annual Meeting. It doesn't seem like a normal annual meeting, and it doesn't seem like New Jersey where I am, but that's okay. We'll make it through this week, I suppose.

Yes, just to give a bit of an update to follow on what the Chair said. You know Cheri noted there has been ongoing discussions for a number of years about responsibilities and roles, and jurisdictional questions between ASMFC and the New England Council involving Atlantic herring.

The leadership group has met a couple times, composed of the Chairs, Vice-Chairs, and Executive Directors, and talked about how to coordinate things better. A couple meetings two or three years ago, the outcome was sort of an agreement to coordinate better, and a voting seat was set up on New England Council's Committee, and we transitioned from a Section to a management board to allow a voting seat for New England Council on the Commission's management body. Even with those adjustments to the coordination there are still some remaining concerns about how different responsibilities are divided up. As the Chair said, a working group was formed. They pulled together a really comprehensive white paper that gave a great background on the sea herring fishery, and the history of management actions of the Council and Commission, and it included a series of suggestions on improved coordination, and allocating roles and responsibilities moving forward.

There is a great work product coming out of that group. The leadership group, Chairs, Vice-Chairs and Executive Directors met again last week to review the working paper, and had an initial discussion. No decisions were made. We agreed to all go home, sort of digest the paper a little bit more, and we'll get back together in a few weeks.

We just didn't have sufficient time to review the paper and come up with any concrete recommendations prior to this meeting. We are kind of all reading the paper and thinking about where we want to go from

here, and how to better coordinate the issues associated with these different roles and responsibility.

That is the update. We've had one review of the paper, Madam Chair, and it's a great document. We just need to figure out what is the best course moving forward to provide the best comprehensive management of the sea herring fishery. During our leadership call there was some conversation about the importance of, there is a number of things that the Commission does that are really important.

There is obviously a number of things that the Council does that are really important to herring management. We kind of need to figure out how to work together and comprehensively manage this species across the jurisdictions, and across the differing roles and responsibilities, and frankly abilities of each group as well. That's the update, and Madam Chair, happy to answer any questions if there are any.

CHAIR PATTERSON: Does the Board have any questions of Bob?

MS. KERNS: I don't see any hands.

ADJOURNMENT

CHAIR PATTERSON: Okay. This is going smoothly. Is there any other business?

MS. KERNS: No hands.

CHAIR PATTERSON: Well, with that being said. The meeting is adjourned.

(Whereupon the meeting adjourned at 9:24
a.m. on October 19, 2020.)

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