



*Working towards healthy, self-sustaining populations
for all Atlantic coast fish species or successful
restoration well in progress by 2015*

Draft Amendment V to Amendment 2
to the Interstate FMP for Atlantic
Herring for Section Review.





History

Nov. 2011: TC Chair highlighted potential need to reduce size bin when sampling to begin a spawning closure. Section requested spawning regulations whitepaper.

Dec. 2011 – Feb. 2012: TC and ASMFC staff prepared spawning closure whitepaper.

Feb. 2012: Section review of whitepaper, initiated Addendum V.

Feb. – Apr 2012: Draft Addendum V developed.





1.0 Introduction

TC recommended the Section initiate an addendum to:

- 1) refine the sampling protocol
- 2) investigate shifting the boundary between the Western Maine and Massachusetts/New Hampshire (MA/NH) spawning areas south (further analysis necessary)
 - Note: Placeholder included in CD draft.
 - TC review of data April 25, 2012
- 3) incorporating all spawning regulations in one document for clarity.





2.1 Statement of Problem

- Current regulations scattered in 3 different documents.
- Lack of clear guidance to states.
- Slight inconsistencies as result.
- Have worked b/c of cooperation btw. State fisheries agencies. Not guaranteed in future.





2.2 Background

- **2.2.1 Spawning Area Delineation (4.2.1.1 of Amendment 2)*
- *2.2.2 Default Start Date (4.3.2.2 Spawning Closures & Default Dates of Amendment 2)*
- **2.2.3 Sampling Protocol (4.2.1.2 Determination of Starting Date for Spawning Closures of Addendum I to Amendment 1)*
- **2.2.4 Sufficient Sample Information (4.2.1.2 Determination of Starting Date for Spawning Closures of Addendum I to Amendment 1)*
- *2.2.5 Spawning Closure Length (4.3.2.2 Spawning Closures & Default Dates of Amendment 2)*
- *2.2.6 Tolerance (4.3.2.3 Tolerance Provision—Zero Tolerance of Amendment 2, Technical Addendum I to Amendment 2)*





3.0 Management Options

1. Will replace all previous spawning regulations to provide single, clear document to guide states.
2. *Boundary Between Western Maine and Massachusetts/New Hampshire Spawning Area.*
3. Size Bins that Trigger a Spawning Closure Start
4. Number of Fish Per Sample





Replace Spawning Regulations

When final, will replace all spawning regulations in FMP to provide a single, clear document for states to use to comply with ASMFC spawning regulations.

1. Section vote on final measures (final action).
2. ASMFC staff and TC Chair draft spawning regulations carryover language including selected options.
3. TC review of draft spawning regulation language.
4. Section review and approval of language.
5. Addendum V published.





Boundary Between WGOM and MA/NH Spawning Area.



TC Chair will give report.





3.2 Size Bins that Trigger a Spawning Closure Start



- “Closures begin based on the % of stage III – V spawn herring that are greater than 24 cm.”
- TC considered ‘typo’. Should be “or equal to”
- Recent samples have found herring maturing at smaller size, especially in 23-24 size bin.

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3.2 Size Bins that Trigger a Spawning Closure Start



➤ *Closures ...will begin seven days after the determination that female herring in ICNAF gonadal stages III – V...have reached the following spawning conditions: ...female herring [**insert option**] and less than 28 cm in length have reached a mean GSI of 15%.*

OPTION A. STATUS QUO (GREATER THAN 24 CM).

OPTION B. GREATER THAN OR EQUAL TO 24 CM.

OPTION C. GREATER THAN OR EQUAL TO 23 CM.

OPTION D. GREATER THAN OR EQUAL TO 22 CM





3.3 Number of Fish Per Sample



- “At least two samples of 50 fish or more, in either length category, taken from commercial catches during a period not to exceed seven days apart.”
- Not quantitative but TC recommends increasing to 100 fish per sample.

OPTION A. STATUS QUO (50 FISH PER SAMPLE)

OPTION B. 100 FISH PER SAMPLE

Sufficient sample information shall mean at least two (2) samples of 100 fish or more, in either length category, taken from commercial catches during a period not to exceed seven days apart.

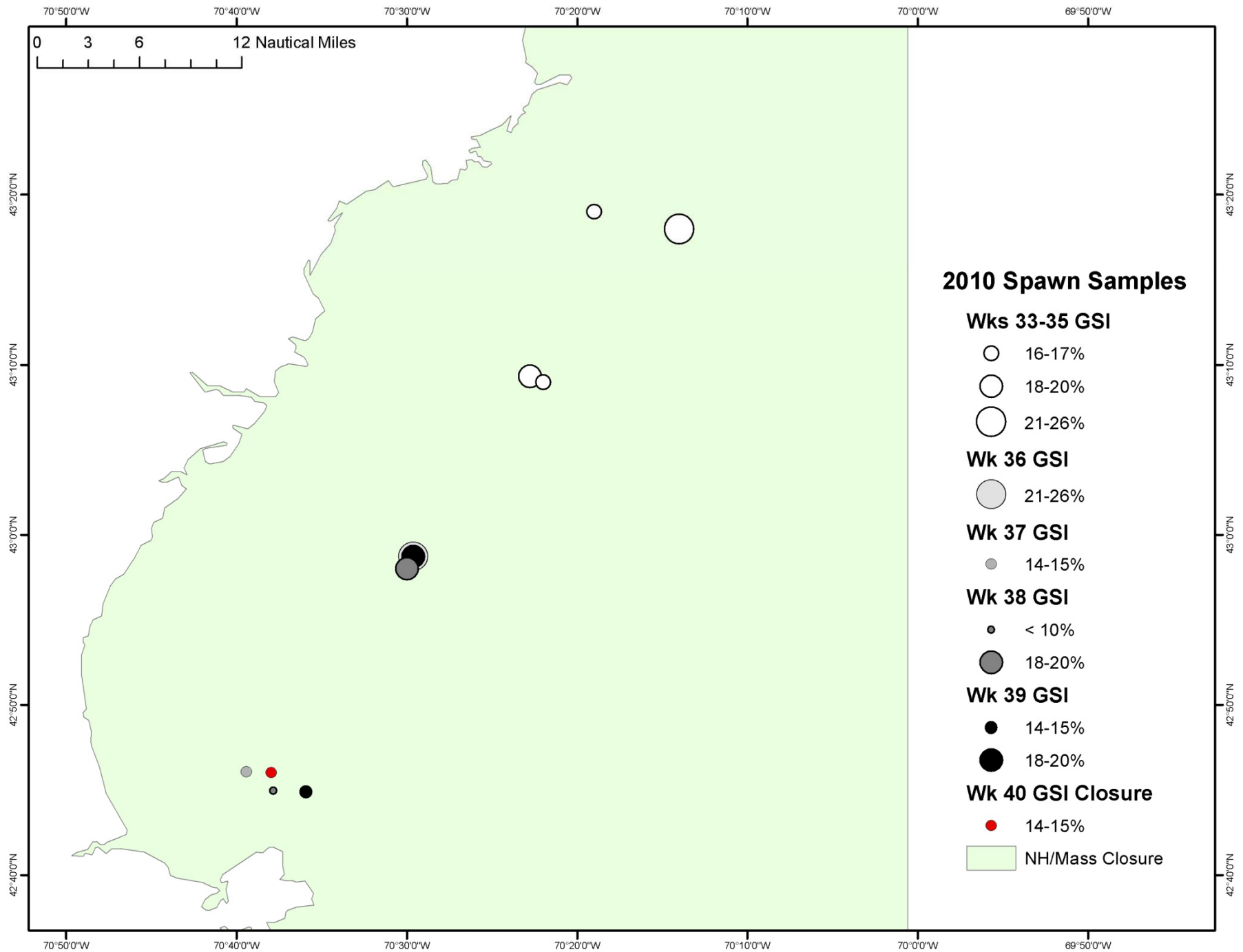


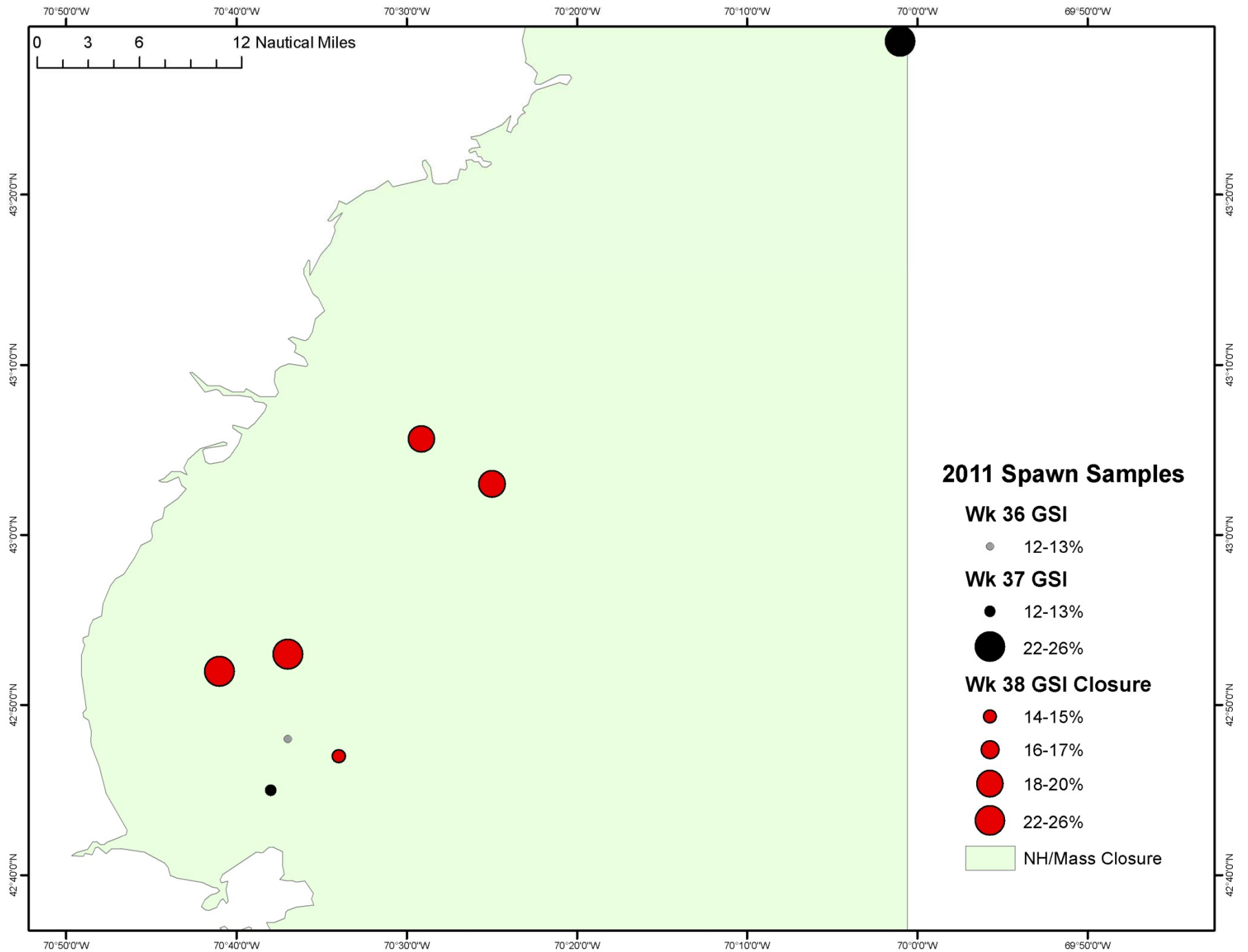
Examination of issued related to
Atlantic herring spawning the
NH/MA Area

Matt Cieri on behalf of the Technical
Committee

Background

- Section initiated a review of spawning regulations and management
- One issue was differences in sampling from MA DMF and ME DMR
 - Some fish in the south were not close, others north were
 - As one issue in Addendum V
- Examined the issue spatially





Findings

- Note Sample sizes are low.
 - N= 8; for 2010 and 2011
- Does show a consistent body of fish off MA that lags behind in maturity
- Other locations more mature in a given week
- But drawing a line with low samples and only two years is difficult

TC summary Recommendations

- TC examined
 - OPTION A : Status Quo
 - OPTION B: Move the existing border between MA/NH and Western Maine to $42^{\circ} 52.0' N$ (the MA/NH border) from $43^{\circ} 30.0' N$.
 - OPTION C: create a new Spawning area; All waters bounded by New Hampshire and Maine coasts, and $43^{\circ} 30.0' N$ $70^{\circ} 00.0' W$ Would be the “Maine/New Hampshire Spawning Area”
 - OPTION D: Status Quo with an agreement to increase monitoring of spawning samples in that area.

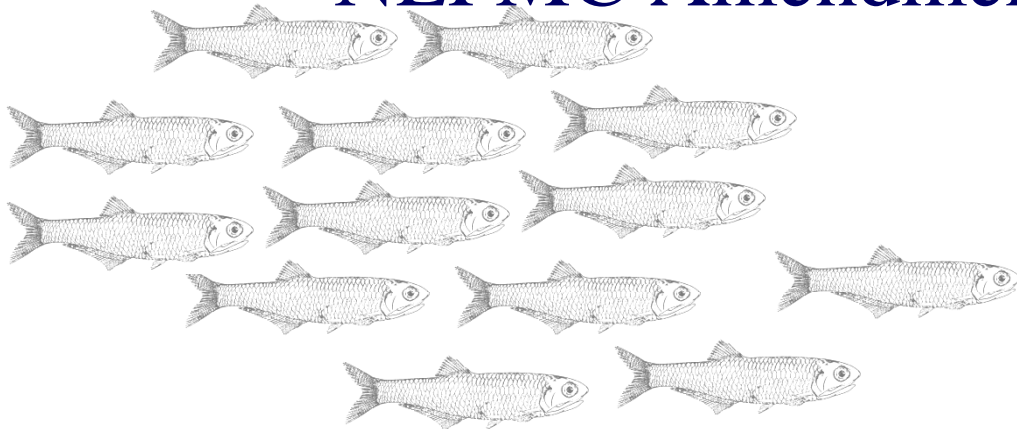
TC summary Recommendations

- In light of low sample sizes ...
- **The TC does not recommend that the Section modify spawning area boundaries at this time.**
- Agreed that MA, NH, and ME should increase sampling to determine if a boundary change would be needed in the future, if possible.
- TC members suggested that the information presented here be considered when setting closures for the MA/NH Spawning Area



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Advisory Panel Recommendations for NEFMC Amendment 5 Alternatives





AP Report

Present: Jenny Bichrest (ME), David Ellenton (MA, Chair), Jeff Kaelin (NJ), Peter Moore (ME), Patrick Paquette (MA), Dana Rice (ME), Mary-Beth Tooley (ME), and Steve Weiner (MA).

- Met to review A5 prior to WG recommendations.
- ~ 4 hour long conference call.
- Some members dropped off call due to prior commitments





General

- Inappropriate to discuss long and complicated document on conference call. Should have been a day-long meeting.
- Cannot thoroughly review.
- Absence of comment on issue is not endorsement.
- Concern about poor turnout 8 of 18 members.
- Worked from Public Hearing Document.





3.1.1 Regulatory Definitions



✓ No Action

~~A. Proposed Regulatory Definition: Includes “transfer at sea and “offload” definitions~~

AP Comments:

- Option B will complicate process.
- Unclear what point is, appears to make requirements more complicated.
- Do not fully understand.





3.1.2 Admin/General Provisions



~~A. No Action~~

✓ B. Proposed Provisions

~~2A. Expand Possession Restrictions to all Vessels Working Cooperatively in the Fishery (Purse Seine and Transfer at Sea)~~

✓ 2B. Eliminate the VMS "Power Down" Provision

✓ 2C. Establish New "At Sea" Dealer Permit





3.1.3.2 Measures to Address Carrier Vessels



~~A. No Action~~

✓ B. Measures to Address Carrier Vessels

~~Option 1. No Action (LOA)~~

~~Option 2. Require VMS on Carrier Vessels for
Declaration Purposes and Eliminate
Seven Day LOA Enrollment Restriction~~

✓ Option 3. Dual Option for Carriers (VMS or
LOA)





3.1.3.3 Measures to Address Transfer at Sea



✓ Option 1. No Action

~~Option 2. Restrict Transfer at Sea to A or B Permit~~

~~Option 3. Prohibit Transfer at Sea to Non-Permitted~~

AP Comments:

- Status quo is preferred because the other options are too restrictive.
- Unsure how will this impact tuna fishermen who buy herring at sea for bait?





3.1.4 Trip Notification Requirements



~~Option 1. No Action~~

- ✓ Option 2. Modify & Extend Pre-Trip Notification
- ✓ Option 3. Extend Pre-Landing Notification

AP Comments:

- D permit holders, on a directed herring trip, should be held to the same notification requirements.
- Table 49, Page 22, indicates that only about 100 D permit holders are landing herring
- If a vessel wants to fish for herring they should notify NMFS to allow them to place an observer on board.



- These notification requirements are not burdensome.





3.1.5 Reporting Requirements for Herring Dealers



No Consensus

- ✓ Option 1. No Action (Some)
- ✓ Option 2. Accurately Weigh All Fish
 - ~~2A. Document Annually in Dealer App.~~
 - ✓ 2B. Document for Ind. Landing Submissions (1-Member)
 - ~~2C. Dealer Confirmation, Vessel Validation~~





3.1.6 Changes to Open Access Permit for LA Mackerel Vessels in Area 2/3



~~Option 1. No Action (6,600 lbs D permit)~~

✓ Option 2. Increase Open Access = 20K LBS in
Area 2/3 w/ limited Access Mackerel Permit

~~Option 3. Increase OA = 10K in Area 2/3 w/ LA
MP~~

AP Comment:

Close to incidental limit in Mackerel FMP and will reduce
bycatch





3.2.1 Observer Coverage On Limited Access Herring Vessels



No specific support for any specific option. Supportive of observer but concerned about cost.

- Industry supports 100% but cannot pay more than \$325.00 per day.
- Sunset observer coverage after 2 years.
- Opposed to rigid 2-year sunset provision. Council review once sufficient data has been collected.
- No justification for 100%. SBRM developed as scientifically valid.
- Do not implement until cost drops.
- Observers have to always be available.
- Good opportunity for conservation partners to help with costs.
- Government should pay for 100% coverage.





3.2.2 Measures to Improve/Maximize Sea Sampling

AP: Unanimously not opposed to these measures.

- ✓ 3.2.2.2: Option 2: Additional Measures to Improve Sampling
 - ✓ 2A. Safe Sampling Station (adjacent to deck)
 - ✓ 2B. Reasonable Assistance (to carry out duties)
 - ✓ 2C. Provide Notice (pumping begin/end and sample)
 - ✓ 2D. (observer on) Trips w/ Multiple Vessels
 - ✓ 2E. Communication on Pair Trawl Vessels
 - ✓ 2F. Visual Access to Net/Codend (or purse seine bunt)





3.2.3 Measures to Address Net Slippage

First contentious issue of call, AP divided into 2 groups.

- ✓ (6) 3.2.3.1: Option 1. No Action (release catch affidavit)
- ✓ (2) 3.2.3.4: Option 4. Catch Deduction (Termination) for Slip
 - ✓ **4C**: Closed Area I Provisions w/ Termination at 10 events





3.2.4 Maximized Retention Alternative



✓ 3.2.4.1: Alternative 1. No Action

~~3.2.4.2: Alternative 2. Evaluate MR Through Annual Exempted Fishing Permits~~

AP Comments:

- Ridiculous that 100 year old fishery would become experimental
- Waste of resources to pursue.





Call Participation

- Three AP members left call due to prior commitments.
 - Jenny Bichrest
 - Patrick Paquette
 - Steve Weiner





3.3 Measures to Address River Herring Bycatch

- ✓ 3.3.2: Alternative 2. River Herring Monitoring/Avoidance
 - ✓ 3.3.2.2.4: Option 4 Two-Phase Bycatch Avoidance
SFC/SMAST/DMF (identify bycatch avoid area, framework additional bycatch avoidance strategy)

AP Comments:

- Not punitive, allows fishery to operate.
- Move along is flexible and moves fishing from area w/ RH.
- Recent SMAST analysis show high RH outside of Monitoring/Avoidance and Trigger areas.
- Catch caps are not ready for implementation yet.





3.4: Midwater Trawl Access to Groundfish Closed Areas



✓ 3.4.1 Alternatives 1 & 2

~~Alternative 1: No Action~~

✓ Alternative 2: Pre-Closed Area I Provisions

~~3.4.2: Alternative 3. 100% Observer Coverage~~

~~3.4.3: Alternative 4. Closed Area I Provisions~~

~~Option 4A: 100% Observer Coverage~~

~~Option 4B: Less than 100% Observer Coverage~~

~~3.4.4: Alternative 5. Closed Areas~~



**Amendment 5 to the
Atlantic Herring FMP:
Update on DEIS
and Public Hearings**

Lori Steele, NEFMC Staff, Herring PDT Chair

NEFMC Meeting April 2012

Amendment 5 Process

- Council developed a range of management alternatives/options to achieve goals/objectives
- Draft Amendment 5 available for review/comment late Feb-April 19, 2012
- Council – 8 MSA Public Hearings March 2012
- NMFS conducting NEPA 45-day comment period on DEIS April 20 – June 4, 2012
- Herring AP, PDT, and Committee will meet to develop recommendations (May/June 2012)
- Council to select final measures for Amendment 5 at June 19-21, 2012 Meeting

MSA Hearings

- Rockland ME 3/2/12 - @50
- Gloucester MA 3/14/12 - @60
- Portsmouth NH 3/15/12 - @60
- Fairhaven, MA 3/19/12 - @100
- Portland ME 3/21/12 - @100-125
- Plymouth MA 3/27/12 - @100-125
- Warwick RI 3/28/12 - @30-40
- Cape May, NJ 3/29/12 - @15
- *Mystic CT 4/25/12* - @15-20

Stakeholder Comments

- 100% observer coverage on Category A/B herring vessels (little/no support for C/D)
- Implement measures to address net slippage – CAI provisions and trip termination (10 vs. 5)
- Require dealers to weigh all fish
- Prohibit mwt vessels from fishing in year-round groundfish closed areas
- Establish a river herring catch cap immediately (not unanimously supported)

Industry Comments

- General support for 100% observer coverage if costs are addressed
- Willingness to pay for observer coverage at rates comparable to west coast (\$325)
- Suggestions re. review of existing observer data to ID specific problems
- Support for several proposed FMP adjustments, measures to maximize sampling (status quo for transfers at sea)
- Inshore GOM small mesh fishermen, RI bottom trawl fishermen, Lund's Fisheries

Written/Email Comments

- 40,993 email comments – 35,000 in one email, 765 in one email; 3,024 and 585 batch email comments
- Several individuals (groundfish, tuna, herring, recreational, other stakeholders)
- Pew, Honest Bycatch, Earthjustice, MA Commercial Striped Bass Assn, Nantucket Angler's Assn, MA Lobstermen's Assn, Town of Wellfleet
- Lund's Fisheries, RI bottom trawl fleet, NORPEL

Upcoming Meetings

- Enforcement Committee March 22, 2012
- Joint Herring PDT/Mackerel FMAT – Radisson PVD Airport May 22, 2012
- Herring AP – HI Peabody May 31, 2012
- Herring Committee – Radisson Plymouth June 6, 2012
- MAFMC Meeting – NYC June 12-14, 2012
- NEFMC Meeting – Portland June 19-21



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Atlantic Herring Section

Working Group Recommendations

for ASMFC Comment on NEFMC

Amendment 5





3.1 Adjustments to the FMP

The Working Group is supportive of any measures that will improve accuracy and accounting of catch reporting for all species.





3.2 Catch Monitoring at Sea

- Observer Coverage (3.2.1.2) : 100% observer coverage
 - Federal funding
 - Phased-in cost sharing alternatives should be considered.
 - Examine differences btw. E. and W. Coast costs.
- Measures to Improve Sampling (3.2.2.1): 2A – 2F
- States as Service Providers (3.2.1.2.2): Authorize states as service providers.
- Net Slippage (3.2.3): Support measures that discourage and reduce net slippage.





3.3 Measures to Address River Herring Bycatch



- Observer Coverage (3.3.2.2.1): 100% observer coverage in monitoring/avoidance areas
 - Federal funding.
 - Phased-in cost sharing alternatives should be considered.
 - Examine differences btw. E. and W. Coast costs.
- SMAST/DMF/SFC (3.3.2.2.4): Support RH bycatch avoidance program.
- *Closed Area and Triggers (Section 3.3.3.2.1 and 3.3.3.2.2): Do not recommend unless link to peer reviewed biological population estimate*





3.4 MID-WATER TRAWL ACCESS TO GROUND FISH CLOSED AREAS



The Working Group is supportive of measures that will improve the accuracy and accounting of catch reporting for all species.

