



# New England Fishery Management Council

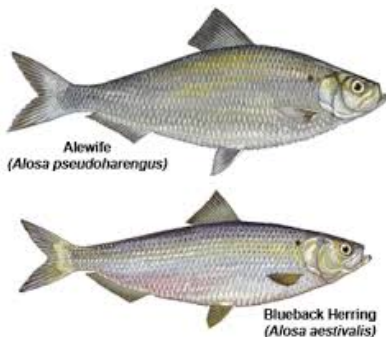
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PRESS CONTACT: Janice Plante  
(607) 592-4817, [jplante@nefmc.org](mailto:jplante@nefmc.org)

## Council Reaffirms Current Approach for River Herring/Shad; Launches Work on 2019-2021 Atlantic Herring Specifications

The New England Fishery Management Council made several decisions yesterday on issues related to Atlantic herring. Here's the quick recap, followed by additional details.

- **River Herring/Shad:** The Council voted to take “no action” on including two species of river herring and two species of shad as “stocks” in the Atlantic Herring Fishery Management Plan (FMP), thereby reaffirming that management of river herring and shad should continue on its current course.
- **Atlantic Mackerel Impacts on Atlantic Herring Fishery:** The Mid-Atlantic Fishery Management Council is developing a framework adjustment to set mackerel specifications for the 2019-2021 fishing years and rebuild the stock. The framework also is considering alternatives to manage mackerel landings during the fishing year to slow catches as the fishery approaches the annual quota. Currently, if the mackerel quota is fully harvested, the possession limit is reduced to zero. Many fishermen who target Atlantic herring also catch mackerel, so a zero possession limit on mackerel greatly impacts the herring fishery. The New England Council agreed to send a letter to the Mid-Atlantic Council supporting its in-season alternatives to manage mackerel landings with phased-in possession limit reductions. Details about the framework are available on the Mid-Atlantic Council's website at <http://www.mafmc.org/actions/atlantic-mackerel-rebuilding-framework>.
- **Atlantic Herring 2019-2021 Specifications:** The New England Council voted to initiate a 2019-2021 herring specifications package to set catch limits for the next three fishing years using updated information from the 2018 benchmark stock assessment. The new herring assessment will be peer reviewed June 26-29, 2018 in Woods Hole, MA. The Council received a preliminary overview of the draft findings and discussed options for addressing what could be a substantial reduction in catch limits over the next three years if the assessment is approved.



Two species of river herring.  
– Courtesy of NOAA Fisheries

### Stocks in the Atlantic Herring Fishery

Back in 2015, the Council discussed whether it should begin managing river herring and shad in federal waters through the Atlantic Herring FMP. At the time, the Council decided *not* to do so but agreed to revisit the issue in three years.

In January 2018, the Council engaged the services of Dr. Erika Zollett and Jill Swasey to revise a white paper called “*Adding River Herring and Shad as Stocks in the Atlantic Herring Fishery: Updated Information and Discussion of Management and Legal Considerations.*”



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The Council was presented with the results of this work during its April meeting in Mystic, CT and, after asking several questions, opted to task its Herring Committee with thoroughly debating the “stocks in the herring fishery” issue and developing a recommendation for full Council consideration at the June meeting.

The Herring Committee recommended “no action” on this issue, and the full Council on June 12 agreed with the advice, thereby maintaining the current management structure for river herring and shad. The Council cited the following reasons, among others, for reaching this decision.

- River herring and shad already are adequately managed through a coastwide collaborative process led by the Atlantic States Marine Fisheries Commission (ASMFC) and the National Marine Fisheries Service (NMFS – NOAA Fisheries) with the New England and Mid-Atlantic Councils as integral partners. State agencies have implemented ASMFC-approved Sustainable Management Plans, and both Councils use catch caps to control incidental takes of river herring and shad in the Atlantic herring and mackerel fisheries respectively in federal waters. Development of a federal FMP likely would not improve river herring/shad stock condition.
- No directed fishery takes place in federal waters for river herring and shad, and directed fishing for Atlantic herring or mackerel is prohibited once a Council-imposed river herring/shad catch cap is reached.

*The vast majority of the river herring/shad harvest takes place in state waters via in-river harvest at the stock level – and only on stocks that can be harvested at sustainable levels through ASMFC-approved Sustainable Management Plans. All other areas are closed to harvest.*

*The fisheries already are adequately managed, and a federal FMP likely would not improve conditions of the stocks.*

*– New England Council*



*Atlantic herring. – NOAA Fisheries photo*

- Current management uses the best available science developed by ASMFC with guidance from state and federal scientists. Due to data limitations, these scientists have not been able to develop coastwide biological reference points that pass peer review. Therefore, any annual catch limits (ACLs) developed through a federal FMP would be proxy-based, and the vast majority of the ACLs would be allocated to states since the majority of the harvest comes from state waters.
  - States operate under approved habitat programs that identify river herring and shad habitat at all life stages – spawning, egg, and juvenile – and include steps to restore access to riverine habitat.
  - Essential Fish Habitat (EFH) designations already exist for other species in federal plans, such as Atlantic salmon, that overlap with offshore areas where river herring and shad occur. In addition, some federal EFH designations also cover species that prey on river herring and shad. Therefore, an EFH designation through a federal FMP would not notably improve what already is in place.
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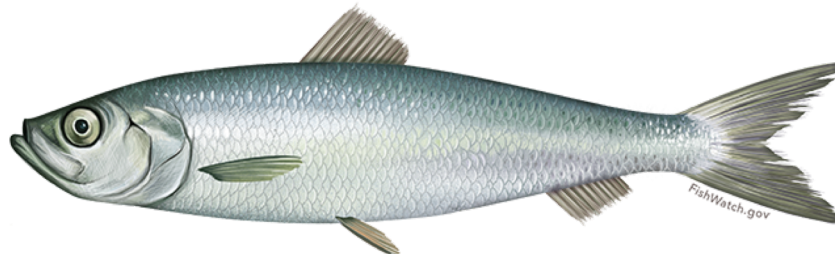
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## 2019-2021 Atlantic Herring Specifications; Benchmark Assessment Poor Recruitment Expected to Result in Lower Catch Limits

The Council voted to initiate a streamlined specifications package for the 2019-2021 Atlantic herring fishing years. The action will focus on: (a) Atlantic herring catch limits; and (b) river herring/shad catch caps. *Two important factors will impact the outcome of this action.*

- **Benchmark Assessment:** The 2018 benchmark stock assessment, which was conducted by the Atlantic Herring Stock Assessment Working Group, will be peer reviewed by independent scientists during the last week of June. The results of this assessment will drive catch limits in the specifications package. Although the assessment has not been peer reviewed, the Council received a **draft** executive summary of the working group's findings. Preliminary results indicate that recruitment – incoming year classes of newly born fish – has been poor for several years. The working group stated that four of the six lowest estimates of herring recruitment occurred in 2013, 2015, 2016, and 2017. This means very few young fish have been added to the resource in recent years.
  - Information about the peer review and details about the benchmark assessment are available on the Northeast Fisheries Science Center website at <https://www.nefsc.noaa.gov/saw/>.
- **Amendment 8 – ABC Control Rule:** The Council currently is conducting public hearings and accepting comments through June 25 on Amendment 8 to the Atlantic Herring FMP. This amendment contains several alternatives for establishing a new acceptable biological catch (ABC) control rule. Control rules provide a formulaic approach for setting ABCs, and then fishery allocations are set based on the approved ABC. The Council is expected to take final action on Amendment 8 at its late-September meeting in Plymouth, MA. The Council may select a new ABC control rule at that time, which *may* be used to set 2019-2021 specifications.
  - Additional information about Amendment 8 is available on the New England Council's website at <https://www.nefmc.org/library/amendment-8-2>.



*The Atlantic Herring Stock Assessment Working Group expressed concern that the population now contains more age 6 fish than age 1 and age 2 fish combined. If these estimates hold true, then the spawning stock biomass of Atlantic herring is apt to remain relatively low without improved recruitment.*



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## Catch Reductions Possible for 2018

The Council recognized that very large quota reductions may be inevitable in the 2019-2021 specifications package given the preliminary assessment results.

In order to **lessen the impact** of these reductions in 2019, the Council voted to ask the NMFS Regional Administrator (RA) of the Greater Atlantic Regional Fisheries Office in Gloucester to use his authority – *as soon as possible* – to:

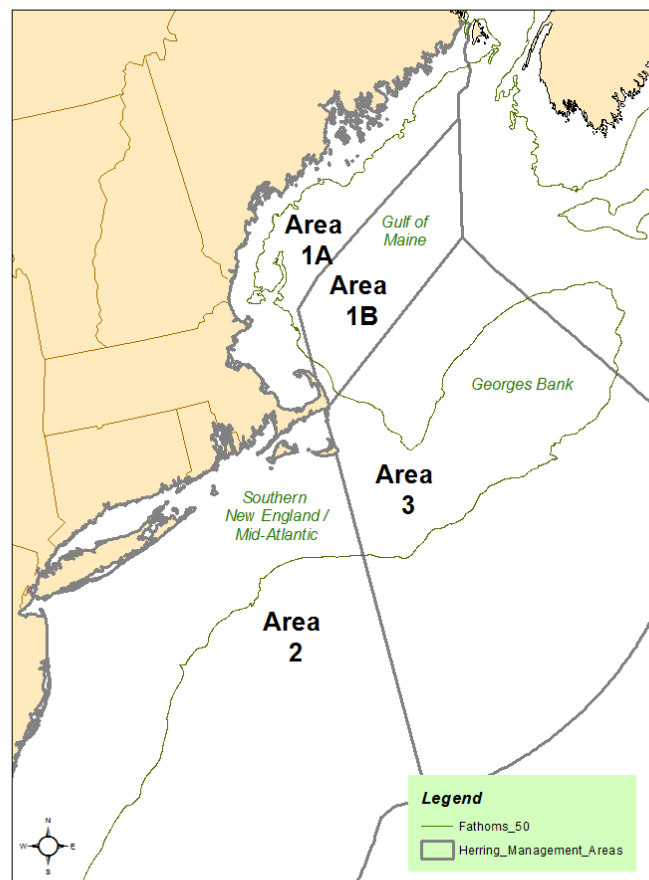
- Cap the 2018 harvest of Atlantic herring at 2017 catch levels in Herring Management Areas 1A, 1B, and 3 (see map); and
- Set the Area 2 sub-annual catch limit (sub-ACL) at 8,200 metric tons (mt) for 2018.

The 2018 ACL for Atlantic herring is 111,000 mt, which is what it was in 2017. The fleet only harvested roughly 50,000 mt of the ACL in 2017. The Council said that by “freezing the footprint” at 2017 catch levels and capping catches at approximately 50,000 mt in 2018, reductions in 2019 would not be as severe as if the fleet harvested the full 111,000 mt ACL.

The Council’s 2019-2021 specifications package will not be implemented on January 1, 2019, which is the start of the next fishing year for Atlantic herring. Under current regulations, the 2018 specifications will roll over on January 1 and remain in place until NOAA Fisheries implements a final rule.

The Council expressed particular concern about the potential impacts of having the 2018 ACL of 111,000 mt roll over to start off the 2019 fishing year. If the final specifications package contains a much lower ACL – as expected – the fishery could come to a quick end if harvest levels at the time of the final rule’s implementation are close to or exceed the new ACL.

If the Regional Administrator takes action to implement the Council’s request of capping catches at 2017 levels, then the adjusted 2018 ACL of roughly 50,000 mt will roll over on January 1, 2019 and help smooth out the severity of the expected economic impacts in 2019 should the forecasted reductions in the draft benchmark assessment come into play following the peer review.



Atlantic Herring Management Areas 1A, 1B, 2, and 3. – NEFMC graphic



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The original Atlantic Herring FMP gave the NMFS Regional Administrator the authority to adjust specifications on an annual or in-season basis after consulting with the Council. The RA has the ability to take such action in order “to achieve conservation and management objectives.” In this case, the Council initiated the in-season request, and the required consultation took place on June 12 during the first day of the Council’s three-day meeting in Portland, ME. The Council urged the Regional Administrator to implement the in-season adjustments as quickly as possible *this summer*.

The Council did *not* ask the Regional Administrator to cap 2018 Area 2 landings at 2017 catch levels – as it did for Areas 1A, 1B, and 3 – because 2018 catches from Area 2 to date already have exceeded the amount caught in 2017. January-May 2018 catches are just short of 7,000 mt, while 2017 Area 2 catches totaled less than 4,000 mt. Therefore, freezing catch at 2017 levels is not possible for Area 2.

Instead, the Council recommended that NMFS consider using the *current* catch estimates from 2018 for Area 2 and adding additional quota to account for some level of access for: (1) small-mesh bottom trawl vessels that typically do not fish in Area 2 until later in the season, often not until November and December; and (2) incidental catches that may continue to come in during the remainder of the year.

At present, Area 2 is closed to herring midwater trawlers because the 2018 river herring/shad catch cap for the area was reached in mid-March for that gear type. The Council agreed that a relatively small 2018 Atlantic herring allocation for Area 2 was important to enable small-mesh vessels to operate in that area during a season when herring typically move through that area. Hence, the 8,200-mt recommendation.

## What’s Next?

- The Council’s Herring Plan Development Team, Herring Committee, and Advisory Panel will work on Amendment 8 over the summer to review public comments and develop recommendations for the full Council to consider. The amendment, which is available with supporting documents at <https://www.nefmc.org/library/amendment-8-2>, contains measures to:
  - Establish a new ABC control rule; and
  - Address potential localized depletion and user conflicts in the fishery.
- The Council is scheduled to take final action on Amendment 8 and receive an update on the 2019-2021 specifications package during its late-September meeting in Plymouth, MA.



*Atlantic herring being salted for bait. – NEFMC photo*

Questions? Contact Deirdre Boelke, the Council’s herring plan coordinator, at (978) 465-0492, ext. 105, email [dboelke@nefmc.org](mailto:dboelke@nefmc.org). The Council’s herring webpage is located at <https://www.nefmc.org/management-plans/herring>. Herring-related materials used during the June 2018 Council meeting can be found at <https://www.nefmc.org/library/june-2018-herring-committee>.