



## New England Fishery Management Council

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### **MEETING SUMMARY**

#### **Herring Advisory Panel**

Sheraton Four Points, Wakefield, MA

March 3, 2020

The Herring Advisory Panel (AP) had a half day meeting in the morning to: 1) review AP policies; 2) review herring timelines and work priorities for 2020; 3) discuss goals and potential range of alternatives for Framework 7, an action to protect spawning of Atlantic herring on Georges Bank; 4) develop Framework 8 (2021-2023 specifications and adjust herring measures that potentially inhibit the mackerel fishery); and 5) review and approve Council research priorities related to herring.

The Atlantic States Marine Fisheries Commissions (ASMFC) hosted a public hearing after the AP meeting was over, and the Herring Committee met in the afternoon with the same overall agenda.

**MEETING ATTENDANCE:** Bert Jongerden (Chair), JP Bilodeau, Jeff Kaelin, Zack Klyver, Megan Lapp (Vice-Chair), David Mussina, Gerry O'Neill, Jim Ruhle, and MaryBeth Tooley.

Absent: Beth Casoni, Ray Kane, and Frank Wetmore.

#### ***KEY OUTCOMES:***

- The majority of the AP recommends the Committee stop working on Framework 7, the GB spawning action. The AP suggests the focus should be on research first to get more information on when and where spawning occurs and what the major impacts are, adding that the Council should inform the ASMFC that the information on spawning of Atlantic herring on Georges Bank is inadequate to develop an action to implement spawning measures on Georges Bank.
- The majority of the AP supports the two measures identified for inclusion in Framework 8 related to the mackerel fishery: increasing the incidental herring possession limit and adjusting the seasonal closure of Area 1B (Jan-Apr).
- The AP recommends the Committee should consider recommending the Council add a research priority about investigating the potential impacts of fishing on herring egg mats.

#### **AP policies**

Staff reviewed Advisory Panel policies and ground rules for meetings. This is the first meeting of the new three-year term, 2020-2022. One AP member asked if there are any term limits for AP members, and staff explained that there are no term limits for AP members.

## **Review of herring actions and 2020 work priorities**

Staff reviewed the status of recent actions and plan for 2020 herring actions and tentative meeting schedule. A question came up about the 2020 assessment and what the plan for that work is. Staff explained that the current recommendation for that management track assessment is Level 1, which means the same model and data streams from the last assessment would be used with updated years. The lead assessment scientist would update the assessment and deliver it directly to the PDT and SSC, without external peer review at the assessment meeting in June. As work progresses if there are any red flags, the Center will inform Council staff, and the level could always be upgraded to Level 2 or 3 if deemed necessary. Level 2 and 3 management track assessments are presented to the external peer review panel in June. Staff explained that more details about this new assessment process can be found through the NRCC page on the Council website (<https://www.nefmc.org/committees/northeast-regional-coordinating-council-nrcc>). A detailed description can be found here: <https://s3.amazonaws.com/nefmc.org/Stock-assessment-process-june.pdf>.

The group discussed that some vessels are seeing smaller fish. One AP member asked if the fishery should land smaller fish to help that information get into the assessment. He explained that small fish are not desirable for the market, but if that is the best way to get the information into the process maybe that would help. Staff explained that there are various data streams included in the assessment and the fishery independent surveys would really need to observe small fish on multiple tows to have a positive impact on the assessment. Another asked if info from the study fleet would be useful to help track possible recruitment. Staff explained that for this assessment they are limited to use the same model and data sources from the last benchmark assessment, which did not use study fleet data in the model.

## **Framework 7 – GB Spawning**

Staff reviewed some slides about the discussion document that was contracted out in 2019 as well as a draft action plan. The AP was asked to develop draft goals for this action. The group first discussed that this action should probably not include Area 2. It was argued that Area 2 fishing primarily takes place in the winter and fish are not spawning in the winter.

Several AP members found it challenging to develop an objective for this action when they opposed it for multiple reasons. Some of the reasons offered included: 1) the discussion document showed that the herring fishery lands very few spawning herring – there is little overlap, so what measurable benefit would there be to restricting a fishery that has rare interactions?; 2) there is no evidence that the fishery is having a negative impact on spawning fish; 3) there is no stock recruit relationship in this assessment, so what would the benefits be if recruitment is driven by environmental conditions?; 4) the original FMP included spawning closures on GB but NMFS disapproved them – what is different now? NMFS rejected them for all the same reasons that exist today; 5) if anything is done the egg beds should be the focus; 5) this is a knee-jerk reaction to current low biomass levels of herring – spawning may not be the issue – maybe menhaden pushed herring out of the area; and 6) other countries and regions in the US target herring that are spawning; for example, in Canada there are no spawning closures – they target spawning fish for roe fisheries.

In addition, several commenters focused on the cumulative impacts of all measures in the herring plan. Amendment 8 and IFM are bringing big changes to the plan; there will be more closures, more conservative catch limits under the new ABC control rule, and IFM will provide much more data on this fishery. It was argued that IFM could support better decision making on this topic because there could be

more data on when and where spawning is taking place on GB – at-sea coverage targets will be 50% for the entire directed fleet, and EM may be in use on most MWT vessels including dockside monitoring. Therefore, there may be more data on the composition of catch (potentially landings and discards) including spawning condition if IFM protocols are able to be adjusted to include that information. Some pointed out that spawning closure default dates will not work on GB, the timing of spawning varies from year to year – several argued that we should get more detailed information through IFM first and then revisit this issue with better scientific information.

However, one advisor spoke in favor of developing spawning closures on GB now. He explained that we are not seeing herring and the Council should do everything it can to help herring recover. He agreed protection of herring eggs is important and we know egg mats can cover areas over 25 square miles. He added that GB is a very different habitat than areas herring spawn inshore in Area 1A. We do not know what the level of interaction is with other fishing gears on GB and how different fisheries impact herring eggs beds.

One advisor stated that the simple fix for the Council may be to close areas to the MWT fishery, but he argued that may not bring the benefits everyone is hoping for. The low herring biomass could be from issues out of our control (climate change, movement of calanus, competition with menhaden, etc.). One advisor voiced that the science has failed us in this case. He argued that the spawning potential of menhaden has been grossly underestimated and that resource is eating the food supply of herring. He explained that in the past we couldn't get through all the herring to find menhaden – these species cannot coexist when one is at very high levels. Closing areas and reducing herring catch will not solve our problems, maybe we need to harvest more menhaden to help herring and mackerel recover. Several others agreed that increasing menhaden may be causing depletion of herring biomass. One commented that these plans are not working together (menhaden, herring and mackerel) and overall productivity of the ecosystem should be the driver not trying to increase all prey species at once.

As a starting point a motion was made to identify the objective of the action to be development of measures to protect spawning adults and herring egg beds. Based on the discussion that motion was eventually withdrawn to instead recommend the Council suspend work on Framework 7 and instead focus on getting the research needed to develop this action first. Concerns were expressed about how closures on GB would be monitored; the program in Area 1A is very time intensive and there is nothing in place to do that on trips from GB. One AP member commented that they did not support including the specific text in the draft objective, “to increase herring biomass”, because she did not believe that spawning closures would do that. If there is no stock recruit relationship then the amount of spawning biomass will have little impact on recruitment.

Another advisor added that he wants a thriving herring resource as much as anyone else, but it needs to make sense. We do not have comprehensive info on this yet. IFM may get us the info we need to do this and we could add collection of spawning information as a priority for implementation of IFM. It was further argued that this fishery does not need more changes right now. He could see how we could maybe increase our ability to monitor spawning adults, but how will we monitor egg beds? We do not have enough information to do this.

## **1. Kaelin/Klyver**

**Recommend the objective of Framework 7 should be to protect spawning adults and herring egg beds.**

*Motion withdrawn.*

## 2. Kaelin/ Ruhle

**Recommend further work on Framework7 stop and the Council and NMFS focus on research recommendations in the Georges Bank herring spawning discussion document (Section 6.0).**

*Vote: 6:2:0, motion passes.*

Following that motion another was made related to an earlier discussion of fishery impacts on herring eggs. There were a few questions about which gears and which areas. The motion ultimately failed, but the group agreed that the body of science on herring eggs, and the specific impacts of fishing (both static and mobile gears) on herring egg beds is limited. Finally, another motion was made to recommend that the Council communicate to the Commission that more information is needed before an action with this scope can be developed through the Council process. Since this topic was discussed at Commission meetings as well, the AP recommends that the Council send a letter to the Commission explaining that there is inadequate information at this time to develop an action to implement spawning measures on Georges Bank.

## 3. Mussina/Bilodeau

**Recommend the Committee look at the impacts of benthic fishing gear on herring eggs.**

*Vote: 3:3:1, chair votes against, motion fails 3:4:1.*

## 4. Tooley/O'Neill

**Recommend to the Committee that the Council inform the ASMFC that the information on spawning of Atlantic herring on Georges Bank is inadequate at this time to develop an action to implement spawning measures on Georges Bank.**

*Vote: 6:1:0, carries*

## **Framework 8 – 2021-2023 specifications and mackerel measures**

Staff presented some background slides and reviewed the draft action plan. The panel is supportive of including the mackerel measures in this action and appreciates the Council finally added this topic as a work priority. One advisor explained that there are more areas that could be productive for mackerel fishing farther south as well, but the bycatch limits and menhaden state catch limits are challenging. One advisor commented that it may be necessary to develop spatial options for the possession limit alternative because there may be some stakeholders uncomfortable with higher incidental catch limits in Area 1A and Area 1B. However, another advisor argued that increasing access to sustainable mackerel fishing is the goal and that should be afforded to all areas and gears, not just MWT vessels in the southern areas. This led to some questions about the various declaration requirements for herring and mackerel fisheries and the AP expressed support for making the plans as consistent as possible. One member added that with herring quotas so low, an increase in the incidental level would really help the mackerel fisheries in Area 2; the herring quota for that area is essentially being used as a bycatch for mackerel fishing. THE fleet has cooperatively decided not to target herring in Area 2 to date this fishing year so the herring quota is available for the directed mackerel fishery.

The AP did pass a motion supporting inclusion of an alternative in FW8 that would increase the incidental herring possession limit to 40,000 pounds. It was explained that 2,000 pounds is not enough to make a

test tow for some operations; the current herring incidental limit does not provide ample opportunity to access mackerel. One advisor spoke against this motion expressing concern that increases in possession limit could incentivize some vessels to target herring even after the directed fishery closes. He argued that a 2,000 incidental limit keeps the fishery truly incidental; higher incidental limits, particularly for smaller vessels and under low herring quotas could change fishing behavior and incentives. He also requested more information about the catch composition of trips that land herring and mackerel. Another advisor argued that 40,000 pounds is 18 tons, and that is not a level that would change incentives for directed herring trips, adding that plants do not want mixed trips.

## 5. O'Neill/Bilodeau

**Recommend the Committee include an alternative in Framework 8 for 40,000 lb. incidental catch of Atlantic herring when it is estimated that a sub-ACL or total ACL has been harvested and the directed herring fishery closes.**

*Vote: 6:2:0, motion carries*

A second motion was not made to support inclusion of an alternative to remove the seasonal closure of Area 1B because staff explained that the Council has already agreed to include these two alternatives. During the discussion the AP discussed a handful of possible alternatives and analyses that could be completed to help support this action.

The specific ideas for alternatives/options and potential PDT analyses include:

- Develop options for Areas 2 and 3 only if Area 1 too controversial.
- Questions about declarations into both fisheries – what is needed – any room for adjustment there?
- What are the different catch limits – what has been the rationale?
- PDT and Council should talk to Canadians more – need to share more info across the Hague line.
- Need to describe what restrictions are in place now – overlay of measures impacting both plans.
- Interest to have more info on eggs mats – what do we know? What is the interaction with the fishing industry and is it negative?
- Relationship between menhaden and herring – competition, one push other out? If we harvested more menhaden would that help? Can they coexist? Do we know if herring or menhaden will win?

## Research Priorities

Dr. Rachel Feeney presented the herring specific research priorities noting the new suggestions from the Herring PDT. One advisor expressed support for the new research priority to, “further investigation into understanding the recent low recruitment of Atlantic herring and possible drivers.” He added that a report came out that warming waters is decreasing calanus in this region; we do not know what that means for herring. The AP recommended that the research topic discussed earlier at the meeting about egg mats should be added to this overall research priority list, but the AP did not assign it a priority level. The AP discussed that the list is very long so therefore not very realistic, but at this time decided not to recommend removing anything.

## 6. Ruhle/Klyver

**Recommend the Committee consider adding one item to the list of herring research priorities:**

**“Research the potential impacts of fishing (mobile and static bottom tending gears) on herring egg mats.”**

*Vote: 7:0:1, motion carries*

### Other Business

Tim Donovan from NOAA Office of Law Enforcement (OLE) came to the meeting to explain the pending issue with loss of VMS satellite service for McMurdo (formerly Boatracs) VMS systems. Starting April 1, 2020 those systems will not be supported; vessels need to use one of the other type-approved units. He reported that there are currently four available. He also explained that reimbursement is available for the purchasing of a new VMS unit **if a vessel owner has never been reimbursed by NOAA for the purchase of a VMS unit.** If a vessel owner has previously been reimbursed for the cost of a unit for that vessel, reimbursement is not available. You can contact NOAA's OLE help desk with questions: 1-888-219-9228. Mr. Donovan explained that currently it looks like about half of the active herring vessels have switched over, so 20 or so vessels may not be complaint yet. One advisor shared some concern that new systems they purchased did not have the same SOS feature the old Boatracs system did, and that was a safety concern in his opinion. Another explained that vessels should plan ample time for the install, it took one company a full day to install one unit.

*The meeting adjourned at 11:20 AM for a scheduled ASMFC public hearing on Addendum III, most herring advisors and some Committee members were in attendance for the public hearing.*