MEETING SUMMARY
Herring Advisory Panel and Committee
Sheraton Harborside, Portsmouth, NH
September 10, 2019

The Herring Committee met jointly with the Advisory Panel (AP) on September 10, 2019 in Portsmouth, NH to: 1) review a draft discussion document on spawning of Atlantic herring on Georges Bank (GB); 2) provide input on the MSE process used in Amendment 8; and 3) discuss potential work priorities for 2020. The Committee also reviewed an action under development to require eVTR for all commercial vessels.

MEETING ATTENDANCE: Committee members: Mr. Peter Kendall (Chairman), Mr. Rick Bellavance, Mr. Doug Grout, Mr. Peter Hughes, Dr. Cate O’Keefe, Mr. John Pappalardo, Ms. Melissa Smith, Dr. Matt Mckenzie, Mr. Scott Oslzewski, and Mr. Vince Balzano. Advisory Panel: Bert Jongerden, JP Bilodeau, Ray Kane, Jeff Kaelin, Zach Klyver, Peter Moore, Gerry O’Neill, and Chris Weiner. The Committee was supported by Council staff members Deirdre Boelke, Dr. Rachel Feeney, Mr. Andrew Applegate, Mr. Sam Asci, and Ms. Jennifer Couture; Ms. Carrie Nordeen (NMFS/GARFO); and Mr. Mitch MacDonald (NOAA General Counsel). In addition, about 5 members of the public attended as well as staff from GMRI that were contracted for the GB spawning discussion document (Dr. Graham Sherwood, Ms. Ashley Weston, and Mr. Aaron Whitman).

KEY OUTCOMES:
- The Committee passed a motion recommending the Council initiate a framework action to protect offshore spawning of Atlantic herring. This motion followed a presentation by Dr. Graham Sherwood of GMRI, who was contracted to prepare a discussion document on spawning of Atlantic herring offshore.
- The group reviewed input to date on the MSE process the Council used in Amendment 8. All members were then asked to provide individual input on the process, followed by a large group discussion about various aspects of the process.
- The group discussed recommendations for 2020 work priorities, and decided to provide initial guidance on how to prioritize work items in the event the Herring Committee does not meet again as a group before the December Council meeting.
• During a closed session meeting at the end of the day, the Herring Committee reviewed AP applications for 2020-2022 and made recommendations that will be forwarded to the Executive Committee.

**Update on eVTR Omnibus Framework**

Mr. Sam Asci of the Council staff presented a summary of an action being developed jointly by the MAFMC and NEFMC that is considering requiring all commercial vessels with federal permits issues by GARFO to submit VTRs electronically. The goal is to reduce reporting burden/redundancies of paper VTR, improve reporting efficiency, and decrease error. The Council initiated the action in June 2019 and is expected to approve the range of alternatives at the September 2019 meeting. An extended implementation timeline is expected following the final rule and the eVTR requirement is tentatively anticipated to be effective during summer 2021.

The AP and Committee had a handful of comments and questions following the presentation. For example, some vessels with eVTR are still using paper with dealers – will vessels be required to submit electronically to dealers as well, how will vessels retain information (i.e. VTR number for that trip) onboard to provide to enforcement if future system is paperless, one recommendation offered was to just have one system rather than a long list of possible systems, will this system work when there are multiple dealer pick-ups, what are requirements for freight, can this information be used to submit reports in real-time similar to the full-retention project that is ongoing, why are the current VTR submission deadlines different for various fisheries – why have options - is the goal uniformity in reporting deadlines across fisheries in the Mid-Atlantic and New England regions, some fisheries/vessels may be willing to report tow by tow information – this should be acknowledged in discussion around what various eVTR applications are available, has there been discussion of a joint committee on this, which fisheries use each system – can that be added to the report, what happens if both Councils do not select the same measures, can individual FMPs require more restrictive reporting than this action approves, will captains still have the ability to correct eVTRs after a report has been submitted, etc. Staff answered some of these questions and will be forwarding all the input provided to the larger group of staff working on this action.

**Spawning of Atlantic Herring on Georges Bank (GB) – Discussion Document**

Ms. Deirdre Boelke gave a brief introduction on this topic including some background on management of herring spawning. Dr. Graham Sherwood from GMRI then gave a very detailed presentation of the work their team has been doing this summer on compiling all available data and information about spawning of Atlantic herring on GB. The draft discussion document is not complete yet and there are several sections that were not available at the meeting. The presentation focused on the data and analyses that have been completed, primarily a consensus
analysis to identify areas and seasons where spawning is inferred to take place based on various data sources overlapping.

The data sources analyzed include: 1) GSI and maturity stage from dockside monitoring data (MEDMR and MADMF); 2) maturity stage from the federal trawl survey data; 3) larval distribution (<9mm) from ichthyoplankton surveys; 4) location of herring egg EFH; 5) historical spawning grounds, and 6) location of herring in predator stomachs from the food habits database. These six datasets were compared and areas of overlap were identified. These datasets were analyzed overtime as well, and by decade there seems to be a shift to the east. For example, in the late 1980s, there were larger concentrations for ripe and running adult herring near Cape Cod Bay and southeast of Cape Cod, and over time the abundance of adult herring has decreased in that area. Based on the larval herring dataset, there were two core areas in the 1970s and 1980s, that have reduced in size and more recently the western area is not showing up much at all.

The team also evaluated fishing effort and how the herring fishing footprint compares with “spawning consensus areas”. Fishing location was viewed two ways; using self-reported location from VTR reports from MEDMR portside sampling program, as well as model based estimates of fishing location from raster layers that combine VTR, observer, and dealer data prepared by the Social Science Branch of the NEFSC. Overall, the degree of overlap seems somewhat limited; based on the portside data there was very limited overlap with the spawning area near the Great South Channel. There was more overlap in the 1990s with the eastern area on the Northern Flank, but that overlap has declined in more recent years. Similarly, the revenue based maps have some overlap with the spawning consensus area on the Northern flank, but essentially no overlap with the western area. Finally, the contractors conducted industry interviews as a potential source of information on spawning location/season. Under ten individuals participated in the interviews from various ports and regions. The general view was that offshore spawning is too variable to pinpoint time and location, and spawning condition herring are relatively rare in catches (under 3% of all MEDMR portside samples from GB had GSI values >0.3, the stage used for monitoring existing GOM spawning areas).

The research team presented several key takeaways: 1) multiple data sources all pointed to the two spawning locations along the northern edge of GB (one in the west near Nantucket Shoals and Great South Channel, and one in the east on the Northern flank); 2) spawning takes place primarily between Sept and Oct in all years and all areas; 3) spring spawning does not seem important from these datasets; and 4) industry interacts minimally with spawning grounds. Finally, several research recommendations have been included that were developed by the Herring PDT.

Following the presentation several members of the audience, AP, and Committee asked questions. Most are paraphrased here to characterize the conversation, but all the responses and discussion are not summarized. A question was asked about whether this project investigated the potential impacts of fishing on larval distribution. Another question was asked about whether herring larvae observed in the Channel in the past could ever return, or have those fish moved to the east for good? One commenter was surprised that there was not more haddock in the food habits database that consumed herring eggs. Another commenter was unclear what is more
critical for protecting spawning – is it to protect the eggs or the adult spawning fish? If it is egg protection, it was recommended the Council think about measures to protect egg beds beyond the directed herring fishery, i.e. all mobile bottom tending gears. Another added that this resource straddles the US/Canada border, so if we want to protect spawning of the offshore component we really need to coordinate with Canada to improve the overall situation.

Other comments suggested the fishing effort be displayed seasonally since this fishery moves throughout the year, the degree of overlap will vary by season. Other comments came up about monitoring GSI from GB – would existing programs be expanded or new ones created to support more dockside monitoring, especially if new closures are considered? Several commented that the degree of overlap with the fishery seems relatively low, some saw that as a “win-win” – an opportunity to be precautionary and protect spawning without major economic hardships. And others saw the relatively low overlap to suggest that closures would have limited positive impacts on spawning if the fishery is not overlapping core spawning areas and occurrences are rare in the catch. It was commented by several that closures are not warranted at this time if overlap is low and the catch of spawning adults is also low, as demonstrated by the portside databases. It was also suggested that with the implementation of IFM there will be a larger federal portside sampling program in the near future, so there will be more robust information about the fishery that could better inform this issue before closures are considered.

Following questions, the Committee quickly discussed a motion offered by Mr. Grout. He explained that he was amazed by the amount of data available and felt the analysis helped focus the different issues. A question was raised about which gear types would be considered; at first it was discussed that options be included to impact all bottom tending mobile gears, but ultimately the sub options were limited to vessels with more than incidental levels of herring (2,000 pounds). Mr. White supported the motion and commented that the lack of industry interaction is positive in his opinion; the industry can keep doing what it is doing and the plan can protect spawning at the same time. Dr. McKenzie also voiced support and was very supportive of the consensus methodology used in the analysis presented. Mr. Balzano was not clear if the seasons would be the same for the various areas, would they roll like they do in the GOM, would that be flexible? Will the PDT have flexibility to adjust these options?

Mr. Hughes was trying to get a better handle on how the input from the industry interviews compared to the analysis. He had difficulty supporting the motion without conclusive data that the fishery was having negative impacts on spawning and without input from the fishery about when and where spawning is taking place. He suggested that some of the ideas raised in the industry interviews about research should be done before developing an action with large closures.

Several AP members and audience members commented on the motion. One raised that the motion does not speak to how these area closures would be triggered – do we have monitoring plans that would be added to this type of program? Several others added that the motion seems premature, the data is not indicating a problem - it shows there are some areas of overlap, but not a problem. But others voiced support, especially due to current low herring biomass levels; herring need all the help they can get and even if fishery interactions are a rare event, we should
do everything we can to help herring rebuild. One speaker added that whales are moving to Canada, and if they are following herring that supports the information presented today that there is little to no adult spawning herring in the Channel and western GB. Furthermore, while the fishery interaction is relatively low, it is still happening. The speaker commented that the data from the DMR portside program was impressive in that it consistently included samples of spawning fish in the catch in the months September and October every year since the mid-1990s when GSI was consistently recorded.

**MOTION 1: Grout/McKenzie**

Move to recommend that the Council initiate a framework action to protect spawning herring in herring management areas 3, 2, and 1B. The Herring Committee suggests the following range of alternatives be developed and analyzed, at a minimum:

- **Spawning closure area**
  - Consensus spawning areas identified in fig. 3.3. of Herring Spawning Review paper around the Northern Flank of GB;
  - Consensus spawning areas identified in fig. 3.3. of Herring Spawning Review paper west of the Great South Channel;
  - A rectangular box around all sources of data along the northern edge of GB and around the GSC identified in Fig. 3.1 of the Herring Spawning Review paper.

- **Spawning closure durations during September and October**
  - 4 weeks
  - 6 weeks
  - 8 weeks

- **Gear/Fisheries that would be restricted by these spawning measures**
  - All gear types fishing for herring
  - All vessels possessing more than 2,000 pounds of herring

Vote: 9:1:0, motion carried

**Figure 3.3 from draft discussion document on left, and Figure 3.1 on right.**
MSE Debrief

Staff gave an overview presentation of the MSE process used in developing Amendment 8 and progress on the current debrief of the MSE process, including input from the PDT and public comments in response to the recent solicitation. Next the AP, Committee and audience were invited to provide written feedback on the same ten topics that were solicited for public comment. Over lunch staff organized the comments and after lunch the group had a large group facilitated discussion to review their individual input. All of the feedback provided during this meeting will be incorporated into the MSE debrief final report that will be presented to the Council in December 2019.

2020 Priorities

The group had a lengthy discussion about priorities, especially in light of the motion passed in the morning and its potential impact on 2020 work. Specifically, if that motion passes at the Council level it essentially dictates what the herring work is for 2020, and other potential items on the list would fall below that item. The conversation was somewhat hampered because a handful of Committee members left early. Several Committee members voiced that the sense they were getting from the Commission on this topic in the past was that if the Council did not take action, the Commission would. That sense seemed to influence much of the discussion at the meeting in terms of the Committee members wanting to maintain control of the alternatives developed and selected related to spawning protection on GB. There were some questions about any limits the Commission

The Chair invited AP comments first. One AP members asked what 2020 workload would look like throughout the year, staff responded that the PDT would be busy with the specifications the second half of the year, and if the Council prioritizes other items, that work would likely be discussed during the first half of the year. Another comment was about the mackerel priority item, if the herring possession limit is increased after the directed fishery is closed to enable mackerel fishing, where would that catch be removed from – there is so little to around as it is, would buffers need to be increased to account for that activity, and what management areas are we really talking about?

Another AP member raised an issue that was discussed at the August MAFMC meeting about the RH/S bycatch cap in the mackerel fishery, that the MAFMC has added that as a potential work item for 2020, and due to the overlap with the herring fishery it would make sense to possibly coordinate on that issue. The MAFMC may be looking at gear based caps in the near future, and they are scheduled to identify final priorities for 2020 at their December meeting. He argued that more coordination between the two fisheries is critical, even beyond the RH/S catch caps; the vessels are essentially the same for these fisheries and there should be more coordination. Ms. Carrie Nordeen from NMFS informed the group that GARFO has been looking at the record a bit about how the caps have been developed in each plan and what some of the pros and cons would be of coordinated caps.
One AP member commented that in his opinion the problem has not been justified related to the GB spawning action, so that should not be a priority for 2020; however, he does agree with the sentiment of some of the Committee comments that it would be more appropriate for the Council to be the body developing potential spawning areas in federal waters with support of the NEFSC. So for that reason maybe it should stay on the list for 2020, and possibly bump down the RH/S issue if all three issues could not be addressed in 2020 (measures to enhance OY in mackerel fishery, GB spawning, coordinated RH/S catch caps). Another added support for working on mackerel issues in 2020, suggesting they could be relatively straightforward; however, he also expressed concern about the Council passing on GB spawning and the Commission developing that action instead. He shared that he has serious concerns with actions ASMFC has taken on herring in Area 1A, so while he does not see an issue with fishery interactions with GB spawning fish, he would be more concerned if the Commission developed an action compared to the Council. Another commented that management of mackerel and herring has been somewhat piecemeal all along, and maybe one larger action for several issues is warranted, and if that takes longer that may be better than small one Council actions even if it takes a few years.

One audience member suggested that updating the MSE should be a priority for 2020 because it got shortchanged at the end of the process, in particular, the review should include revisiting the ABC CR alternatives because Amendment 8 went too far. The Chair asked if the AP wanted to make a motion, but too many members had left early. Overall, the members present supported working on mackerel issues in 2020, including a coordinated effort with the MAFMC on RH/S catch caps. They also supported leaving GB spawning on this list for 2020, not because they agreed an action was needed, but more so that the Council could retain control of that issue compared to the Commission developing an action separately.

**AP statement (The AP could not make motions at this stage of the meeting because they did not have a quorum):**

*Recommend the Committee consider maintaining the 2020 priority item related to mackerel OY, and if time allows, also work with the MAFMC on a coordinated action to set RH/S catch caps in both fisheries.*

The Committee quickly acted on a motion offered by Dr. McKenzie to identify all three items as 2020 priorities, and to put the GB spawning issue “slightly” above the mackerel action (increase herring possession limits and seasonal closure of Area 1B) and coordinated RH/S catch cap action with the MAFMC to retain control of that issue. One Committee member felt handcuffed in this situation and would like more guidance on whether the Commission can even develop and implement an action that they are threatening to do. She added that these consensus spawning areas may overlap with other management areas in place or under review, and would like to see how these overlap with other areas. A member of the audience suggested the Council formally ask NOAA General Counsel to provide formal guidance on federal consistency issues. A couple Committee members added that more guidance would be helpful and because this was not final
action it may be better to leave the GB spawning topic on the list for now and if more information comes in over the next few months the Council can make a final decision in December about whether this should be above or below the line for 2020 work priorities.

**MOTION 2: McKenzie/Balzano**

Prioritize the GB spawning topic above the mackerel item on the 2020 herring priorities, and add to the mackerel item, “if time allows, work with the MAFMC on a coordinated action on RH/S catch caps in both the mackerel and herring fisheries.”

Vote: 6:1:0, motion carried, Chair did not vote.