

CORRESPONDENCE



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

October 13, 2020

Dr. John F. Quinn, Chairman
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear John,

On October 2, 2020, NOAA's Assistant Administrator for Fisheries formally determined that the Atlantic herring stock is overfished based on the best scientific information available.

Consistent with section 304(e)(2) of the Magnuson-Stevens Fishery Conservation and Management Act, we are notifying the Council of this stock status change. Based on the updated overfished status, the Council must prepare and implement a rebuilding program for Atlantic herring within 2 years of the receipt of this notification letter, as required by section 304(e)(3) of the Magnuson-Stevens Act. Consequently, I request that the Council take action to rebuild the Atlantic herring stock.

The Northeast Fisheries Science Center completed the most recent assessment of the Atlantic herring stock in June 2020 using data through 2019. This management track assessment, using an age-structured assessment model, showed that the stock is now overfished, but overfishing is not occurring. This assessment supports a determination that the stock is not subject to overfishing because the 2019 fishing mortality rate (0.25) is less than the maximum fishing mortality threshold (0.54), but is now overfished because spawning stock biomass in 2019 (77,883 mt) is less than minimum stock size threshold (134,500 mt). This is a change from the previous assessment in 2018 that indicated the stock was approaching an overfished condition and overfishing was not occurring.

We recommend that the Council submit the action within 15 months of this notice to ensure sufficient time to implement the appropriate regulations, if approved. We will support the Council's efforts to develop this rebuilding program. If you have any questions regarding this letter, please contact Carrie Nordeen in the Sustainable Fisheries Division at (978) 281-9272, or by email at carrie.nordeen@noaa.gov.

Sincerely,

Michael Pentony
Regional Administrator

cc: Tom Nies, Executive Director, New England Fishery Management Council
Robert Beal, Executive Director, Atlantic States Marine Fisheries Commission
Dr. Jon Hare, Science and Research Director, Northeast Fisheries Science Center
Kelly Denit, Director, Office of Sustainable Fisheries



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., Chairman | Thomas A. Nies, *Executive Director*

October 22, 2020

Mr. Michael Pentony
Regional Administrator
Greater Atlantic Regional Fisheries Office
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Dear Mike,

The New England Fishery Management Council met on September 29, 2020 and discussed several issues related to the Atlantic Herring Fishery Management Plan. During the discussion staff from your office explained the industry has questioned how the seasonal restriction in Area 1A for mid-water trawl gear has been implemented and whether that restriction applies to mackerel fishing activity. The Council passed the motion below confirming that the prohibition includes fishing for mackerel, supporting how NMFS has been implementing that measure since it was adopted in Amendment 1 to the Atlantic Herring Fishery Management Plan.

Council motion: that the Council write a letter to NOAA Fisheries confirming that Atlantic Herring Amendment 1, which prohibits midwater trawling for Atlantic herring in Area 1A from June 1 to September 30 each year, also limits the ability to midwater trawl for mackerel in Area 1A during this time.

The motion carried on a roll call vote (16/0/1).

One Council member provided rationale from Amendment 1 to support this motion explaining that the Council chose to “*prohibit midwater trawling (single and paired) in Area 1A from June - September of each year, making Area 1A a purse seine fixed gear only area during this time period*” (p. 93). In talking about the herring and mackerel fisheries, the Amendment indicates that the “*overlap between the two fisheries would make it very difficult for a mackerel vessel to fish for mackerel without catching any herring incidentally*” (p. 570). As a result, a restriction on herring fishing for midwater trawl gear would not make it possible to fish for mackerel and abide by the closure for herring.

Further, Section 8.5.2 of Amendment 1 looks at the impacts of the closure on the mackerel fishery. When describing these impacts, the Amendment considers that midwater trawl vessels fishing for mackerel will not have access to Area 1A from June – September. Specifically, the Amendment notes that there will be minimal impacts to the mackerel fishery as a result of the closure because “*(1) the mackerel fishery is predominantly a winter fishery (December – April), and the proposed gear restricted area is from June – September; (2) the mackerel fishery occurs*

primarily in southern New England and the Mid-Atlantic areas (Areas 2 and 3), and the proposed gear restricted area is in the inshore Gulf of Maine; and (3) a greater proportion of mackerel fishery participants will have access to Area 1 during the remainder of the fishing year” (p. 570).

This impacts analysis highlights that the Area 1A closure was anticipated to limit participation in the mackerel fishery via midwater trawl gear.

In conclusion, the Council supports how the Agency has been implementing this measure since the adoption of Amendment 1.

Sincerely,

A handwritten signature in cursive script that reads "Thomas A. Nies".

Thomas A. Nies



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., Chairman | Thomas A. Nies, *Executive Director*

November 3, 2020

Dr. Jonathan Hare
Science and Research Director
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543

Dear Jon:

The Council met on October 27, 2020 and passed a motion asking the Northeast Fisheries Science Center (Center) to investigate the reasons why the Atlantic herring resource has become rapidly depleted. Atlantic herring is very important to numerous stakeholders in this region and is connected to many other species managed by the New England Fishery Management Council.

The Council understands that this will require substantial time and resources. While there may not be dedicated funds at the Center for this research at this time, specific hypotheses can be identified and investigated by the Center or others when sufficient resources are available. Understanding more about the Atlantic herring resource and the parameters that likely influence its condition would help the Council in future actions for herring, as well as for numerous other managed species that interact with this important resource. The Center should also address whether past assessments contributed to recent declines by over-estimating stock size.

*Dr. McKenzie moved and Mr. Bellavance seconded:
that the Council request that the Northeast Fisheries Science Center commence a
scientific analysis into why the Atlantic herring population crashed over the last decade
and continues to remain depleted.*

The Council agreed by consensus with one abstention.

Please contact me with any questions.

Sincerely,

Thomas A. Nies
Executive Director



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John F. Quinn, J.D., Ph.D., Chairman | Thomas A. Nies, *Executive Director*

November 6, 2020

Mr. Michael Pentony
Regional Administrator
Greater Atlantic Regional Fisheries Office
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Dear Mike:

Today, my staff electronically sent a preliminary submission of the Final Framework 8 to the Atlantic Herring Fishery Management Plan, including the Final Environmental Assessment, and two Appendices to your staff in the Sustainable Fisheries Division at the Greater Atlantic Regional Fisheries Office for review.

The proposed action in Framework 8 includes fishery specifications for 2021-2023 and adjustments to the herring plan, which otherwise, potentially inhibits the mackerel fishery from achieving optimum yield.

Upon review of the Framework 8 preliminary Environmental Assessment, please communicate any comments or need for further document revisions directly to me. Also, please contact me if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Thomas A. Nies".

Thomas A. Nies
Executive Director