

# **Amendment 8 to the Atlantic Herring FMP**

## **Action Plan**

**Council:** New England Fishery Management Council

**Fishery:** Atlantic Herring Fishery Management Plan (FMP)

**Title of Action:** Amendment 8 to the Atlantic Herring FMP

**Scope:** Establish a control rule for specifying acceptable biological catch (ABC CR) for Atlantic herring

**Problem Statement/Objective of Action:**

This amendment will consider alternatives to establish a long-term ABC CR for the Atlantic herring resource/fishery.

*Background:* Amendment 4 to the Atlantic Herring FMP (2010) modified the Atlantic herring fishery specifications process and implemented provisions for annual catch limits (ACLs) and accountability measures (AMs). Amendment 4 included an interim control rule for ABC that was based on a three-year average catch estimate (2006-2008). The interim ABC CR was updated in the 2013-2015 Atlantic herring fishery specifications package and currently specifies ABC as the catch that is projected to produce a probability of exceeding  $F_{MSY}$  in 2015 that is less than or equal to 50%. During the development of the 2013-2015 Atlantic herring fishery specifications, the Scientific and Statistical Committee (SSC) recommended that the Council consider a long-term strategy for specifying for Atlantic herring fishery when the next opportunity to do so arises. This amendment represents that opportunity. At its November 2014 meeting, the Council passed the following motion with respect to the 2015 Atlantic herring management priorities:

*That for herring priorities, the council prioritize an amendment to consider control rules for the Atlantic herring fishery that account for herring's role as forage in the ecosystem. The Council should also task the EBFM PDT and committee with developing ecological guidance for the herring PDT on managing forage fish within an ecosystem context by the June 2015 NEFMC Council meeting, and participating in the development of an appropriate control rule and reference points within an EBFM context for the herring fishery during this amendment.*

**Likely Range of Alternatives:**

Amendment 8 will likely include the following alternatives for consideration/analysis:

- Atlantic herring ABC Control Rules, including those that account for herring's role as forage in the ecosystem

**Type of NEPA Analysis (CE/EA/EIS):**

This amendment is expected to require an EA or EIS. A formal determination will be made once the range of alternatives is identified and analyzed. However, a Notice of Intent (NOI) to prepare an EIS will be published in early 2015 in anticipation of the need to develop an EIS for this action.

**Type of ESA Consultation Expected (Informal/Formal):**

This action is expected to have an informal ESA consultation.

**Applicable Laws/Issues:**

<i>Magnuson-Stevens Fishery Conservation and Management Act:</i>	Typical issues and analyses expected at this time
<i>Administrative Procedure Act:</i>	Typical issues and analyses expected at this time
<i>National Environmental Policy Act:</i>	Typical issues and analyses expected at this time
<i>Regulatory Flexibility Act:</i>	Typical issues and analyses expected at this time
<i>Paperwork Reduction Act:</i>	Typical issues and analyses expected at this time
<i>Coastal Zone Management Act:</i>	Typical issues and analyses expected at this time
<i>Endangered Species Act:</i>	Typical issues and analyses expected at this time
<i>Marine Mammal Protection Act:</i>	Typical issues and analyses expected at this time
<i>E.O. 12866 (Regulatory Planning and Review)</i>	Typical issues and analyses expected at this time
<i>E.O. 13132 (Federalism):</i>	Typical issues and analyses expected at this time

**Herring Plan Development Team Membership and Other Individuals:**

**Herring PDT Chair/ NEFMC Amendment 8 Project Manager:** Lori Steele, NEFMC Staff

	Organization	Name	Responsibility
<b>Herring Plan Development Team</b>	NEFMC	Lori Steele	Chair of Herring PDT, Herring FMP Coordinator Primary responsibility for development of Amendment 8, analyses, and other related documents
	NEFMC	Rachel Feeney	Assist with writing sections re. Fishery Impacts/Social Impact Assessment
	NMFS GARFO Sustainable Fisheries Division	Carrie Nordeen	Primary point of contact in NMFS for Herring FMP Implementation Team Chairman Identify potential policy, regulatory, and administrative issues during development and review Support with data needs and development of document
	NMFS GARFO Analysis & Program Support Division	Brant McAfee	Support Herring PDT data requests Provide catch data to develop alternatives, Affected Environment, and impact analyses Identify potential monitoring issues during development and review
	NMFS GARFO NEPA	Tim Cardiasmenos	Review document for completeness in terms of NEPA requirements during development and review
	NEFSC Population Dynamics Branch	Jon Deroba	Technical analyses related to development of ABC CR alternatives Technical work associated with biological impact analyses Assist in writing other elements of document
	NEFSC Social Sciences Branch	Min-Yang Lee	Complete fishery/economic data requests for the PDT Develop/write Economic Impact Analyses and impacts on fishery participants Economic analyses related to ABC CR alternatives Provide RIR/RFA analyses incl. summary of economic impacts
	Maine DMR	Matt Cieri	Provide State fishery and biological data as needed Consultation on development of measures and biological impact analyses
	Mass. DMF	Micah Dean	Portside sampling data assimilation/analysis if necessary Consultation on development of measures and impact analyses
	NHFG	Renee Zobel	Provide State fishery and biological data as needed Consultation on development of measures and biological impact analyses
	MIT Sea Grant	Madeleine Hall-Arber	Consultation on socio-economic elements of document and fishery/social impact assessment
	NEFSC Fisheries Sampling Branch	Sara Weeks	Complete observer program data requests Identify potential monitoring/observer program issues during development and review Consultation on development of measures and impact analyses

	Organization	Name	Responsibility
Other Individuals	NEFMC	Michelle Bachman	Development of background information and analyses of impacts on the physical environment and EFH
	NMFS GCNE	Mitch MacDonald	Consultation on potential legal issues and questions
	MAFMC	Jason Didden	Consultation/coordination with Mid-Atlantic Council to address overlapping issues with mackerel fishery
	ASMFC	Melissa Yuen, Marin Hawk	Consultation/coordination with ASMFC for state-federal overlapping issues
	NMFS GARFO Protected Spec. Div.	Danielle Palmer	Consultation on background information and analysis of impacts on protected resources
	NMFS GARFO SFD	Carly Bari	Primary GARFO contact for MAFMC MSB FMP Consultation/coordination for overlapping issues with mackerel fishery
	Others TBD		

**Ecosystem-Based Fishery Management (EBFM) Plan Development Team Membership:**

**EBFM PDT Chair:** Andy Applegate, NEFMC Staff

	Organization	Name	Responsibility
EBFM Plan Development Team	NEFMC	Andy Applegate	Chair of EBFM PDT Primary responsibility for coordinating work with EBFM PDT and EBFM Committee to provide ecological guidance re. development of herring ABC CR alternatives in Amendment 8
	NMFS GARFO Sustainable Fisheries Division	Tobey Curtis	
	NEFSC Population Dynamics Branch	Kiersten Curti	
	NEFSC Social Sciences Branch	Geret DePiper	
	NEFSC Ecosystem Assessment Program	Michael Fogarty	
	NEFSC Ecosystem Assessment Program	Sarah Gaichas	
	SMAST	Saang Yoon-Hyun	
	Rutgers University	Kevin St. Martin	
	University of Connecticut	Peter Auster	
	RI DEM	Chris Powell	
	MAFMC	Rich Seagraves	

**NMFS Amendment 8 Implementation Team Membership:**

**Implementation Team Chair:** Carrie Nordeen, GARFO Staff

<b>Organization</b>	<b>Name</b>	<b>Responsibility</b>
NMFS GARFO SFD	Carrie Nordeen	Implementation Team Chair; primary GARFO contact for Amendment 8
-	-	
-	-	
Others TBD		

**Implementation Team Issues:**

<i>Enforcement:</i>	TBD
<i>Information Resource Management (IRM):</i>	TBD
<i>Statistics:</i>	TBD
<i>Observer Coverage:</i>	TBD
<i>Administrative issues/costs:</i>	TBD
<i>Regulatory clarification/simplification:</i>	TBD
<i>Data Requirements:</i>	TBD
<i>VMS:</i>	TBD
<i>Protected Resources:</i>	TBD
<i>Plan for How to Measure the Effectiveness of the Action:</i>	TBD
<i>Other:</i>	TBD

## Worksheet 1: PDT Resources and Work Schedule

*Note: These are the Herring PDT and EBFM PDT resources anticipated from January 1, 2015 forward.*

<b>Amendment 8</b>	<b>Specific Needs</b>	<b>Primary Participation</b>	<b>Start</b>	<b>End</b>	<b>Duration</b>
<b>Development of ecological guidance on managing forage fish within ecosystem context</b>	Related technical work and development of guidance	Applegate EBFM PDT Deroba Steele	Jan 2015	June 2015	6 months
<b>Development of ABC CR Alternatives</b>	Technical work to support development of Am8 alternatives	Herring PDT	June 2015	Sept or Dec 2015	4-6 months
<b>Development of Draft EIS for Amendment 8</b>	Primary responsibility of document development/ completion	Lori Steele	Dec 2015	April 2016	4 months
<b>Analyses of ABC CR Alts</b>	Technical analyses of alternatives; projections, etc.	Deroba, Dean, Cieri, Steele, other Herring PDT	Dec 2015	April 2016	3-4 months
<b>Impacts on Atlantic Herring</b>	Discussion of impacts of alternatives on Atlantic herring resource	Deroba, Dean, Cieri, Steele, other Herring PDT	Dec 2015	April 2016	3-4 months
<b>Impacts on Non-Target Species</b>	Discussion of impacts of alts on non-target species, including RH/S	Deroba, Dean, Cieri, Steele, other Herring PDT	Dec 2015	April 2016	3-4 months
<b>Impacts on EFH</b>	Discussion of impacts of alts on EFH	Bachman, Steele	Dec 2015	April 2016	3-4 months
<b>Impacts on Protected Resources</b>	Discussion of impacts of alts on protected resources	Steele, Palmer	Dec 2015	April 2016	3-4 months
<b>Impacts on Fishery-Related Businesses/Communities</b>	Discussion of impacts of alts on herring fishery participants, social and economic impacts	MYL, Feeney, Hall-Arber, Steele, other Herring PDT	Dec 2015	April 2016	3-4 months
<b>Cumulative Effects Analysis</b>	CEA for the Am8 Final EIS	Steele, Nordeen, Cardiasmenos	Sept 2016	Dec 2016	3-4 months
<b>RIR/RFA Analyses</b>	For Final EIS	MYL, Steele	Sept 2016	Dec 2016	3-4 months

## Amendment 8 to the Atlantic Herring FMP – Work Schedule

<b>JANUARY 2015</b>	
Jan 5	Joint Herring PDT/EBFM PDT Planning meeting
Jan 12	EBFM PDT Meeting
Jan 15/16	Herring AP/Committee review action plan and scoping document
<b>Jan 27-29</b>	<b>NEFMC – review action plan and approve Amendment 8 scoping document</b>
<b>FEBRUARY – APRIL 2015</b>	
Feb 9	Risk Policy Working Group Meeting
February 2015	NOI for Amendment 8 EIS is published – Scoping begins
Feb-April	EBFM PDT Meetings (with Herring PDT interaction as needed)
March-April	Risk Policy Working Group Meeting
<b>MAY 2015</b>	
Mid/late May	SSC Meeting to provide input on EBFM work
Mid/late May or early June	EBFM Committee/Herring Committee Meeting – review ecological guidance from PDT and SSC input; develop recommendations
<b>JUNE 2015</b>	
<b>June 16-18</b>	<b>NEFMC – receive herring operational stock assessment results, EBFM Report, Risk Policy Working Group Report, and Amendment 8 scoping comments; discuss development of range of ABC CR Alternatives in Amendment 8</b>
<b>JULY-NOVEMBER 2015</b>	
July-August	Herring PDT focus on analyses for 2016-2018 herring fishery specifications package
Sept-Nov	Herring PDT develops analyses for specifications package and supports development of ABC CR Alts for Am8
Sept-Nov	Herring AP/Committee develop range of alts for Am8 as time permits
<b>DECEMBER 2015</b>	
<b>Dec 1-3</b>	<b>NEFMC – Approve range of ABC CR alternatives for further analysis in Am 8 (fallback Jan 2016)</b>
<b>JAN-MAR 2016</b>	
Jan-March	Herring PDT analyzes Am8 alts and develops Draft EIS
<b>APRIL 2016</b>	
April	Herring AP/Committee review draft Am8 DEIS and recommend Preferred Alternative
<b>April NEFMC</b>	<b>NEFMC – Review/approve Draft Am8 DEIS and select Preferred Alternative (fallback June 2016)</b>
<b>MAY – AUGUST 2016</b>	
May	Draft Am8 and Draft EIS Submission
June-August	Am8 public comment period
<b>SEPTEMBER 2016</b>	
September	Herring AP/Committee review public comment and recommend final measures
<b>Sept NEFMC</b>	<b>NEFMC – Select final measures for Amendment 8 (fallback November 2016)</b>
<b>OCTOBER – NOVEMBER 2016</b>	
October	Amendment 8 Preliminary Submission
December	Amendment 8 Final Submission
<b><i>Amendment 8 implementation is anticipated during the 2017 fishing year.</i></b>	

## Worksheet 2: Timeline for Amendment 8 Development/Review/Implementation

Herring Priorities	2015											
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
2016-2018 Atlantic Herring Fishery Specifications	Herring PDT compiles fishery data for 2016-2018 specs package and begins developing information for RH/S catch cap and herring sub-ACL options; Herring PDT provides input to EBFM PDT/CTE and SSC re. ABC CR alts for Amendment 8			Atlantic Herring Operational Stock Assessment (update)  (Results presented to NEFMC in June)		Herring Committee/AP review assessment results, ID management uncertainty, develop alts/options for 2016-2018 specs/sub-ACLs and RH/S catch caps		NEFMC Mtg (late Sept) - SSC Report, Select 2016-2018 ABC, ID management uncertainty, ID options for sub-ACLs and RH/S catch caps		Herring PDT analyzes options for specifications, Herring Committee/AP develop final recs		NEFMC Mtg (Dec 1) - Select Final 2016-2018 specs
									*SSC Meeting (early Sept) - Develop recs re. 2016-2018 ABC/ABC CR			
AMENDMENT 8 Herring ABC CR	NEFMC Mtg - Approve Am 8 Scoping Document	Am 8 Scoping: March-May, once NOI is published				NEFMC Mtg (June 16) - Stock assessment Results, EBFM and RPWG Reports, review Am 8 scoping comments, preliminary discussion re. range of ABC CR Alts	Herring Committee/AP develop range of alts for Am 8 ABC CRs (as time permits, during development of specs)				NEFMC Mtg (Dec 1) - Approve range of ABC CR alternatives for further analysis in Am 8 (fallback Jan 2016)	
	Herring PDT/EBFM PDT Planning Meeting (January 5)	EBFM PDT Meetings (January - April) RPWG Meetings (Feb. 9 and March/April)			EBFM Committee Meeting (mid/late May or early June) - Review PDT Recs and SSC Feedback (possibly joint with Herring Committee)	Herring PDT Meetings - develop information/analyses for 2016-2018 specifications package and support development of Am 8 ABC CR Alts						
					*SSC Meeting for input on EBFM and RPWG work (mid/late May)							
Herring Priorities	2016											
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
2016-2018 Atlantic Herring Fishery Specifications	2016-2018 Specs Package Preliminary Submission			2016-2018 Specs Package Final Submission	Proposed Rule for 2016-2018 Specifications		Final Rule for 2016-2018 Specifications	2016-2018 Specifications Implemented				
AMENDMENT 8 Herring ABC CR			Herring AP/Committee review Draft Am8/DEIS, recommend preferred alternative	NEFMC Mtg - Review Draft Am 8 and Select Preferred Alts (fallback June 2016)	Am8 DEIS submitted NEPA comment period begins	Public Comment period for Amendment 8		Herring AP/Committee develop final recs on Am8	NEFMC Mtg - Review public comments, Committee recs, and select Final Amendment 8 measures (fallback Nov 2016)	Amendment 8 preliminary submission		Amendment 8 Final Submission late 2016/early 2017
	Herring PDT analyzes range of alts in Am 8 and develops Draft EIS						*Possible SSC Meeting for comments/input on Am 8 (TBD)		Herring PDT develops Final Am8 EIS			



**Action Plan Versions:**

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Change Description</b>
1	January 5, 2015	Lori Steele	Prepared for Joint Herring PDT/EBFM PDT Planning Meeting on January 5, 2015
2			
3			
4			
5			