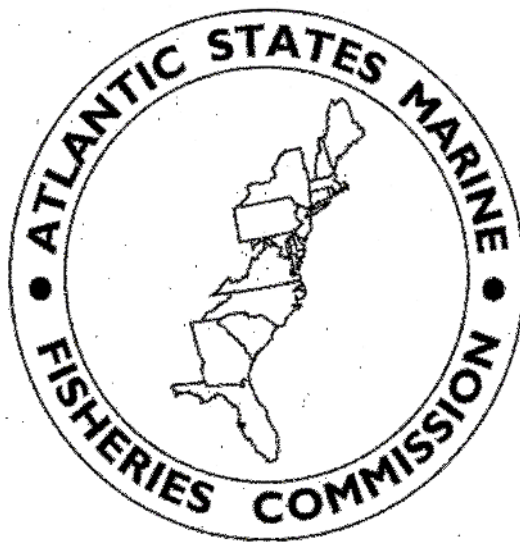


*Atlantic States Marine Fisheries Commission*

**ADDENDUM I TO AMENDMENT 2 TO THE INTERSTATE  
FISHERY MANAGEMENT PLAN FOR ATLANTIC SEA HERRING**



*ASMFC Vision Statement:  
Healthy, self-sustaining populations for all Atlantic coast fish species or successful  
restoration well in progress by the year 2015*

**March 2009**

## **1.0 Introduction**

In October 2008, the Atlantic States Marine Fisheries Commission (ASMFC) Atlantic Herring Section (Section) approved a motion to initiate the development of Addendum I to Amendment 2 to the Interstate Fishery Management Plan (Amendment 2) for Atlantic Herring. The Section directed the Plan Development Team to include monthly or bimonthly quotas with payback and carry over; determination of landing and fishing days; no fishing prior to June 1; and timely reporting of state registered landings. Restrictions on the harvest of juvenile fish were considered for inclusion but removed from Addendum I to ensure timely completion of this Addendum. The Section may revisit the issue at a later date.

## **2.0 Background**

The ASMFC and the National Marine Fisheries Service (NMFS) cooperatively manage Atlantic herring by separating the stock into four management areas and setting a hard quota called total allowable catch (TAC) for each area. Management area boundaries are based on knowledge of seasonal distribution and availability of juvenile and adult fish, regional differences in the nature and degree of harvesting and processing activity, differences between the inshore and offshore fishing grounds and habitat, and the location of known spawning grounds. Of these areas, management Area 1A (Gulf of Maine) receives the greatest amount of fishing pressure with fishermen routinely harvesting the entire TAC due to its proximity to shore,.

Prior to Addendum I, fishing effort within Area 1A was controlled solely by *Section 4.3.1 Effort Control Measures: Days Out* of Amendment 2. Days out restricted landings on certain days of the week and were designed to prolong the TAC in an area in order to ensure a steady supply of herring throughout the season, allowing fishermen and industry to set long-term business strategies. They were also expected to shift fishing pressure from an over-utilized area to an under-utilized one.

## **3.0 Summary of Problem**

The Area 1A TAC in 2007 and 2008 were 25% lower than the 2006 TAC, greatly increasing the competition for these fish among existing herring fishermen. In addition to a lower TAC, new federal regulations for the 2007 fishing season prohibited mid-water trawlers from fishing in Area 1A from June 1 – September 30. In 2008, several mid-water trawlers switched over to purse seine gear. For a number of reasons including good weather and a large concentration of fish inshore catch rates for the 2008 fishing season in Area 1A were significantly higher than the historic average. Despite considerable increases in the number of days out there was not a steady supply of herring throughout the entire fishing season.

Additionally, an increase in the number of carrier vessels<sup>1</sup> has rendered days out less effective in controlling effort than as designed. Purse seine fishermen could still legally fish for herring during days that are closed to landing by transporting their catch to large

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<sup>1</sup> Several mid-water trawlers operate as carrier vessels from January 1 – September 30 until they are allowed to catch herring on October 1.

carrier vessels, some with refrigeration systems allowing fishermen additional days of fishing beyond the days that are open to landings.

#### **4.0 Management Program**

The following regulations apply solely to management Area 1A. Area 1B, 2, and 3 continue to be managed according to Section 4 of Amendment 2 to the Interstate FMP for Atlantic Sea Herring.

#### **4.1 Quota Periods**

Quota periods shall be determined annually as specified in *Section 4.4 Determination of Quota Periods, Overharvest Measures, Rollover, and Days Out* of this addendum. The Area 1A TAC shall be distributed using bi-monthly, trimester, or seasonal quota periods whichever meets the needs of the fishery. If a quota period is closed early due to the full allocation being harvested, vessels are prohibited from landing more than 2,000 lbs of Atlantic herring per trip until the next quota period begins.

##### Bi-monthly periods are established as follows:

Period 1: January 1 – February 28 (29)

Period 2: March 1 – April 30

Period 3: May 1 – June 30

Period 4: July 1- August 31

Period 5: September 1 – October 31

Period 6: November 1 – December 31

##### Trimesters are established as follows:

Trimester 1: January 1 – May 31

Trimester 2: June 1 – September 30

Trimester 3: October 1 – December 31

##### Seasons are established as follows:

Season 1: January 1 – September 30

Season 2: October 1 – December 31

In addition to having flexibility to choose between bi-monthly, trimester, or seasonal quotas, quota from the January 1 – May 31 period may be allocated to later in the fishing season in response to conditions in the fishery. The January 1 – May 31 period quota may be distributed to each remaining period proportional to the quota share of the remaining periods. If the bi-monthly periods with no landings before June 1 option is selected, the Section has the option to count June as its own period, or December as its own period (Table 1).

The allocations percentages for each quota period system were derived from Vessel Trip Reports from 2000 – 2007 and represent historical fishing effort that was driven by market demand for herring (Table 1 & 2). These allocation percentages are fixed and can only be changed through a subsequent addendum or amendment.

**Table 1. Bi-monthly quota percent allocations.** Percentages were calculated using vessel trip reports from 2000 – 2007.

Bi-Monthly Quotas								
January - December			No Landings Prior to June 1 (with June as a one-month period)			No Landings Prior to June 1 (with December as a one-month period)		
Period	Months	%	Period	Months	%	Period	Months	%
1	Jan/Feb	1.5%	1	June	16.4%	1	June/July	36.8%
2	Mar/Apr	2.3%	2	July/Aug	40.1%	2	Aug/Sep	36.0%
3	May/June	24.0%	3	Sep/Oct	34.0%	3	Oct/Nov	27.1%
4	July/Aug	34.6%	4	Nov/Dec	9.5%	4	Dec	0.2%
5	Sep/Oct	29.4%						
6	Nov/Dec	8.2%						

**Table 2. Trimester and seasonal quota percent allocations.** Percentages were calculated using vessel trip reports from 2000 – 2007.

Trimesters			Seasonal Quotas					
January – December			January - December			No Landings Prior to June 1		
Trimester	Months	%	Season	Months	%	Season	Season	%
1	Jan - May	13.7%	1	Jan - Sep	76.5%	1	Jun - Sep	72.8%
2	Jun - Sept	62.8%	2	Oct - Dec	23.5%	2	Oct - Dec	27.2%
3	Oct - Dec	23.5%						

***2009 Area 1A Total Allowable Catch Allocation:***

The 2009 Area 1A TAC will be allocated through seasonal quotas with no landings before June 1. The Area 1A TAC will be distributed with 72.8% available from June 1 – September 30 and 27.2% available from October 1 – December 31.

**4.2 Measures to Prevent Overharvest in a Quota Period**

The percent harvest that triggers a quota closure shall be determined annually as specified in *Section 4.4 Determination of Quota Periods, Overharvest Measures, Rollover, and Days Out*. In order to prevent overages, the directed Atlantic herring fishery will close when either 90% or 95% of a period’s quota is projected to be harvested with the exception of the final period. The final quota period in a fishing season will not automatically close at 90% or 95% but will remain open until the Area 1A fishery closes as specified in *Section 4.2.7.2 TAC Limitation* of Amendment 1.

States adjacent to Area 1A must agree if the quota periods will close at 90% or 95% when they select the quota periods as specified under *Section 4.4 Determination of Quota Periods, Overharvest Measures, Rollover, and Days out* below.

***2009 Area 1A Quota Closure Percentage:***

Specifications for 2009 require the quota period to close when 95% is projected to be harvested.

### **4.3 Rollover of Quota Underages**

In the event that harvest is less than the quota allocation for a given period, the underage may be divided evenly among the remaining quota periods. States adjacent to Area 1A must agree whether or not to roll quota into the remaining periods as specified under *Section 4.4 Determination of Quota Periods, Overharvest Measures, Rollover, and Days out* (found below). The Technical Committee (TC) has expressed concern that rolling quota from before September 1, to after, could negatively impact the inshore component of the stock and possibly result in a lower TAC for subsequent years.

#### ***2009 Quota Rollover Underage Provisions:***

Specifications for 2009 require that any under harvest will be rolled over.

### **4.4 Determination of Quota Periods, Overharvest Measures, Rollover, and Days Out.**

This addendum adjusts the process for selecting days out (*Section 4.3.1 Effort Control Measures: Days Out* of Amendment 2) and establishes the process for selecting which quota periods, closure percentage, and rollover measures will be used for Area 1A in a given fishing year.

Before or at the ASMFC Annual Meeting, Section members from Maine, New Hampshire, and Massachusetts must meet and agree on quota specifications, including the quota period system, whether to allow fishing before June 1, the percent harvest that triggers a closure of the directed fishery (90 or 95%) in a quota period, and whether to allow quota rollover into the remaining quota periods for the year. In the event that the states cannot come to an agreement at the meeting, the matter will be resolved by the full Section at the Annual Meeting.

Days out specifications may be set during the initial meeting between Section members from Maine, New Hampshire, and Massachusetts or can be set at specific days out meetings or conference calls<sup>2</sup> as necessary. During a meeting, states must agree on the start date, number of days out, and start time of the days out. All agreements are final when the meeting is adjourned. Adjustments to days out specifications can only be made if states hold another meeting or conference call and agree on the specification changes.

If states adjacent to Area 1A cannot agree which day to designate as days out, then the matter will go before the full Section for review during the next ASMFC meeting week or at a special meeting of the Section called by the Chairman.

### **4.5 ‘Days Out’ Restrictions**

This addendum adjusts days out restrictions from *Section 4.3.1 Effort Control Measures: Days Out* of Amendment 2.

Fishermen are prohibited from landing herring during a ‘day out’. In addition, vessels may only land once per calendar day on any day that is open to landing (not a ‘day out’).

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<sup>2</sup> Section members prefer to hold meetings in order to get public input and will only hold a conference call when absolutely necessary.

Fixed gear fishermen may remove and land herring from the gear (weir and stop seines) on the days designated as a 'day out' of the fishery. Vessels participating in other fisheries may land an incidental catch of herring that does not exceed 2,000 lbs per trip during a day out.

#### ***4.6 Timely Reporting of State Landings***

The need for accurate and timely reporting by all harvesters is necessary for successful monitoring of any of the quotas included in this document.

States are required to implement weekly reporting by all non-federally permitted fishermen on Atlantic herring (including mobile and fixed gear). Weekly reporting can be achieved by use of the existing federal interactive voice reporting (IVR) or a similar system. Negative reports must be included in any non-IVR system implemented by a state.

States are required to prohibit non-federally permitted fishermen, directing on herring, from landing herring until they are able to report their catch weekly as described above.

#### **5.0 Compliance Schedule**

States must implement Addendum I according to the following schedule to be in compliance with the Atlantic Herring FMP:

April 1, 2009: States submit proposals to meet Addendum I provisions.

May 5, 2009: Section reviews and takes action on state proposals.

June 1, 2009: States implement regulations to meet Addendum I provisions.