

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

NEFMC Herring Plan Development Team (PDT)

MAFMC Mackerel/Squid/Butterfish (MSB) Monitoring Committee (MC)

Final Report

May 23, 2013

NMFS Northeast Regional Office (NERO), Gloucester, MA

The NEFMC Herring Plan Development Team (PDT) met jointly with the MAFMC Mackerel-Squid-Butterfish (MSB) Monitoring Committee (MC) to review the timelines for developing river herring catch caps in the Atlantic herring fishery (Framework 3) and the Atlantic mackerel fishery (2014 fishery specifications). Note that for this Report, the term *river herring* refers to the species of alewife (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*), and the term *shad* refers to the species of American shad (*Alosa sapidissima*) and hickory shad (*Alosa mediocris*). Collectively, these four species are referred to throughout this document as “RH/S.”

Meeting Attendance: Lori Steele (Herring PDT Chair); Renee Zobel (NH FG, ASMFC Herring TC Chair), Matt Cieri (ME DMR) Jon Deroba (NEFSC), Jamie Cournane (UNH), Micah Dean (MA DMF), Madeleine Hall-Arber (MIT Sea Grant), Carrie Nordeen (NMFS NERO), Min-Yang Lee (NEFSC) (Herring PDT Members); Jason Didden (MAFMC MSB MC Chair), Aja Szumylo (NMFS NERO), Katie Richardson (NERO), Kirsten Curti (NEFSC), MSB MC Members; Mitch McDonald (NOAA GC), Diane Borggaard (NMFS PR), Mary Beth Tooley, Erika Fuller (EJ), Jeff Kaelin (Herring Advisory Panel Chair, Lund’s Fisheries), Dave Ellenton, Peter Moore, Geir Munson, Steve Weiner (CHOIR), and several other interested parties in the audience; Sara Weeks (NEFOP, Herring PDT), Pam Lyons Gromen (NCCMC) and several other interested parties via GoToMeeting (webinar).

After introductions and some general announcements, Ms. Steele and Mr. Didden generally reviewed the timelines for developing and implementing catch caps for RH/S in the Atlantic herring and mackerel fisheries. The MA Council is selecting RH/S catch caps for the 2014 fishing year during the specifications process, with decisions scheduled for the June 2013 Council meeting. The NE Council is developing river herring catch caps (and the process for setting future caps) for 2014 (partial year) and the 2015 fishing year through Framework Adjustment 3 to the Atlantic Herring FMP. The initial Framework 3 meeting will be the June 2013 Council meeting, and final decisions for Framework 3 are anticipated at the September 2013 Council meeting. For the June 2013 meetings, Ms. Steele agreed to provide the Herring Committee and Council with the following (draft) timeline that includes the implementation of Amendment 5, Framework 2, the 2013-2015 herring specifications, as well as the development of Framework 3, industry-funded catch monitoring program, and an action to consider adding river herring and shad as stocks in the Atlantic herring fishery. NMFS NERO staff acknowledged that there would be efforts to coordinate implementation of overlapping/similar measures for the herring and mackerel fisheries.

Timeline for Herring Management Priorities (DRAFT)

Herring Priorities		2013								2014											
		May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Framework 3	Vote to Initiate Jan 2013 Council Mtg		Initial FW3 Council meeting	Herring PDT, Committee, AP, develop alternatives and analyses		Final FW3 Council meeting- select measures	Council staff works with NERO on preliminary submission and comments/revisions		Final Submission FW3						FW3 Implementation - RH Catch Caps (based on herring fishing year)						
		FY13-14 Haddock Catch Cap becomes effective			*August 2, 2013 court deadline re. AM4 lawsuit					FY14-15 Haddock Catch Cap becomes effective											
2013-2015 Fishery Specifications/ FW2	Selection of final measures Jan 2013; submitted 3/15/13	Comments/edits/re-submission?			2013-2015 Specifications/Framework 2 Implementation					2014 Fishery Specs Effective (Includes RSAs)											
Amendment 5	Final submission (3) 3/25/13; NOA for FEIS 4/26/13; draft regulations deemed 4/22/13		AM5 Proposed Rule Published		Amendment 5 Becomes Effective																
Industry-Funded Monitoring	2013 priority; NERO-led FMAT initial meeting (w ebinar) 2/7/13; potential Council action remains unclear				One year from AM 5 to develop/implement industry-funded monitoring				Council action for industry-funded monitoring program?						Industry-Funded Monitoring and requirement for 100% obs coverage on A and B vessels becomes effective (AM5)						
"Stocks in the Fishery" Amendment to Herring FMP	2013 priority; action to be developed unclear at this time		MAFMC - receive Agency guidance re. AM 16 (Mackerel)																		

Herring Priorities		2015											
		Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Framework 3	Vote to Initiate Jan 2013 Council Mtg	FY 2015 RH Catch Caps Effective											
								FY15-16 Haddock Catch Cap becomes effective					
2013-2015 Fishery Specifications/ FW2	Selection of final measures Jan 2013; submitted 3/15/13	2015 Fishery Specs Effective (Includes RSAs)											
Amendment 5	Final submission (3) 3/25/13; NOA for FEIS 4/26/13; draft regulations deemed 4/22/13												
Industry-Funded Monitoring	2013 priority; NERO-led FMAT initial meeting (w ebinar) 2/7/13; potential Council action remains unclear												
"Stocks in the Fishery" Amendment to Herring FMP	2013 priority; action to be developed unclear at this time												

Review of Available/Updated Data

The Herring PDT and MSB MC discussed data that could be updated and provided to the Committee and Council to facilitate the development and analyses of RH/S catch caps in the mackerel fishery specifications and Framework 3. Ms. Steele noted that updated observer data were very recently provided to the group by Northeast Fisheries Observer Program (NEFOP) staff on the Herring PDT. The data include observed trips for herring Category A, B, and C vessels when declared into the herring fishery during 2008-2012 (kept and discarded totals for Atlantic herring, river herring (both species), shad (both species), Atlantic mackerel, Fish NK, Herring NK, other species, and additional discard information. These data will be reviewed by the Herring PDT and summarized for the Framework 3 document.

Mr. Didden reviewed some preliminary information that may be utilized by the MA Council to develop a threshold to identify mackerel trips that would be subject to a RH/S catch cap. Federal dealer data from 2004-2012 were summarized to show the proportion of trips landing mackerel in excess of the 20,000-pound threshold that is currently used to define a trip in the directed mackerel fishery. From 2004-2012, 98.5% of all mackerel was landed by trips with greater than 20,000 pounds of mackerel. On these trips, 86% of the total landings was mackerel, 13% was Atlantic herring, and 1% was loligo squid. On the trips that accounted for the other 1.5% of mackerel during this time period, 24% of the landings was whiting, 23% was loligo squid, 22% was Atlantic herring, and 4% was mackerel, suggesting that these trips were not directed mackerel trips. Mr. Didden also used the 2004-2012 data to back-calculate RH/S catch caps based on RH/S/total catch ratios expanded to total landings from mackerel trips. This provides a range of expanded RH/S catch amounts for 2004-2012 on which a cap for the 2014 fishing year (for trips landing greater than 20,000 pounds of mackerel) might be based. The PDT/MC highlighted that the precision associated with this approach is likely low, similar to other RH/S catch estimates to date.

While the 20,000-pound threshold seems appropriate to capture directed mackerel trips under a RH/S catch cap, the Herring PDT and MSB MC will further investigate the issue by examining the numbers of trips, characterizing the overlap between directed mackerel and directed herring trips in the southern New England/Mid-Atlantic area (as well as other areas), and considering the influence of increasing/changing requirements for observer coverage in both fisheries. During the discussion at this meeting, the Herring PDT and MSB MC identified several issues/raised several questions that should be investigated further through fishery data analysis. Dr. Cieri agreed to work on this for the next meeting. The background information will include summaries of recent catch reports and observer records to address the following questions:

- What is the nature and extent of overlap between the Atlantic herring and mackerel fisheries?
- What proportion of trips/vessels fishing for herring and mackerel in Area 2 may be affected by two catch caps on the same trip?
- If the RH/S catch cap is reached and vessels are limited to a mackerel possession limit of 20,000 pounds, how many trips/vessels fishing in Areas 1A, 1B, and 3 may be affected?

During its May 28, 2013 meeting, the MSB MC will also further discuss the catch cap monitoring methods, which are likely to be based on the current methods for monitoring the butterfish mortality cap in the loligo fishery. Of particular focus will be the transition time, i.e., the early part of the year when there are few observed trips on which to base a “moving” catch ratio that reflects current fishery conditions. A slightly revised approach may be recommended by the MSB Monitoring Committee after the May 28 conference call.

The Herring PDT/MSB MC discussed issues related to the overlap of the mackerel and herring fisheries, especially in southern New England (Area 2) during the winter months (January-April). Based on the intent of Amendment 5, the NE Council consider applying RH/S catch caps to the limited access herring vessels, including Categories A, B, and C, the herring vessels that will be subject to most of the Amendment 5 catch monitoring measures, including trip notification requirements and measures to address net slippage. The MA Council utilizes a landings threshold of 20,000 pounds of mackerel to identify trips in the mackerel fishery, which are taken by limited access vessels and subject to Amendment 14 trip notification requirements and catch monitoring measures. Amendments 5 and 14 are both expected to become effective before the end of the 2013 fishing year.

- The threshold possession limit for open access herring vessels is 3 mt (6,600 pounds); vessels landing more than 6,600 pounds of herring must possess a limited access herring permit (or a new Amendment 5 mackerel permit for Areas 2/3). In Framework 3, the NE Council may want to consider applying RH/S catch caps on trips that meet this (or some other) threshold level; implementation and administration of two catch caps in overlapping fisheries can be simplified if thresholds are established to identify trips that are subject to each of the RH/S catch caps.
- One significant concern to address will likely be related to impacts associated with a premature closure of either the herring or mackerel fishery due to setting the RH/S caps based on generally imprecise/variable data. Upcoming requirements for increased observer coverage, sampling, and catch reporting in both fisheries should mitigate this concern to some degree. The potential impacts will depend on how the two Councils establish the catch caps and what measures become effective if/when the cap is reached in either fishery. The technical group notes that this issue will require further consideration as the details of the two actions continue to be developed and related measures in Amendments 14 (Mackerel) and 5 (Herring) are implemented.
- The timing associated with developing/implementing the Mid-Atlantic Council specifications and NE Council Framework 3 may reduce potential problems with the overlapping fisheries during 2014 and may provide an opportunity to further coordinate the two caps and fisheries for 2015 and beyond. The 2014 fishing year will likely be a transition year for measures in both fisheries. The catch cap for the mackerel fishery is expected to be implemented for the start of the 2014 fishing year, while the Framework 3 catch caps will likely be implemented later in 2014 (consequently avoiding any problems with overlapping caps during the 2014 winter fishery). Framework 3 will specify caps for 2014 and 2015, while the Mid-Atlantic Council will likely revisit the 2015 catch cap during another specifications process in 2014. This will provide an opportunity to better coordinate the caps for the 2015 fishing year. The NE Council will then address the next round of catch caps during the development of the 2016-2018 herring fishery specifications.

- The Herring PDT and MSB MC recommend that the RH/S catch caps in the overlapping areas for mackerel and herring fishing be coordinated by the two Councils as closely as possible to promote efficiency and reduce complexity. To the extent possible, the Councils should consider aligning the RH/S catch caps in the southern area after they are implemented during the 2014 fishing year.

The Herring PDT/MSB MC briefly discussed the status of the petition to list river herring/shad as threatened or endangered under the Endangered Species Act (ESA). NMFS reviewed the petition submitted by NRDC in August 2011 and published a positive 90-day finding in November 2011; the finding stated that the information in the petition, coupled with information otherwise available to the agency, indicated that the petitioned action may be warranted. As a result of the positive finding, the Agency is required to review the status of the species to determine if listing under the ESA is warranted. ASMFC completed a stock assessment for river herring in May 2012, covering over 50 river specific stocks throughout the species U.S. range. NMFS will utilize the information from the stock assessment as a critical component in the ESA listing decision for these two species. Due to the nature of the stock assessment, it did not contain all elements necessary for making a listing determination under the ESA; therefore, NMFS identified the additional required elements and held workshops focused on addressing this information. The three workshops organized for this purpose addressed river herring stock structure, extinction risk analysis (ERA), and climate change. Reports from the workshops were independently peer reviewed and have been made available by NMFS. NMFS will use these reports and the modeling results along with the ASMFC river herring stock assessment and all other best available information to develop a listing determination, which will be published in the Federal Register as soon as possible (anticipated summer 2013). If listing is determined to be warranted, NMFS will publish a proposed rule and will seek public comment and most likely hold public hearings. During this time, the species would be proposed species and it is possible to prepare a conference opinion under Section 7 of the ESA to determine if federal actions may jeopardize the species. During the development of a conference opinion and further management action under the MSA, there is an opportunity for NMFS, NEFMC, MAFMC, and others to work together to improve coordination on the various actions moving forward. The timing of the ESA determination should not, however, affect the Councils' ability to develop management actions to establish RH/S catch caps in the herring and mackerel fisheries given the current timelines for these actions.

The joint Herring PDT/Mackerel Monitoring Committee reiterated concern about the lack of ability to directly relate a RH/S catch cap in either the mackerel or herring fisheries to abundance estimates for river herring and shad stocks, and/or to predict the potential impact the caps may have on RH/S mortality or stock rebuilding. The cap can only function to prevent future river herring catch from exceeding some specified and estimated catch, rather than being tied to direct RH/S abundance impacts. If river herring populations decline, then the cap may be too high for the river herring population. If a strong year-class is produced, then the cap may be set too low relative to the river herring population size, prematurely closing the Atlantic herring and/or mackerel fishery.

Several members of the Herring PDT noted that not much has changed in terms of additional biological or fishery information since the time when the Herring PDT considered developing catch cap alternatives in Amendment 5 (December 2010 Discussion Paper). While recent observed catch history in the fisheries may be the only reasonable data at this time on which to base RH/S catch caps, the PDT/MC recognize the fundamental flaw associated with decoupling catch history with population abundance. Several possible population/biomass models were discussed by the PDT/MC, but without a peer-reviewed assessment of the RH/S stock complex, the group agreed that it would not be appropriate to link the catch cap or its potential effects to any of these models at this time. Without knowing the biological impact of a RH/S catch cap on the river herring and shad stock complex, however, it is still within the Councils' discretion to implement management measures to monitor and control the catch of non-target species. The discussion of biological/ecological impacts may be largely qualitative at this time, but the cap can provide a baseline, a ceiling or cap on mortality, and some additional perspective with which to move forward.

The potential impacts will depend on how the two Councils establish the catch caps and what measures the Councils determine should become effective if/when the catch cap is reached in a particular area or fishery.

DRAFT FRAMEWORK 3 DISCUSSION DOCUMENT

Ms. Steele walked the Herring PDT/Mackerel Monitoring Committee through some elements of a Draft Framework 3 Discussion Document, which is being prepared by Council staff for the upcoming Herring Committee and New England Council meetings to develop the range of alternatives. The PDT/MC discussed some components of the alternatives for RH/S catch caps that the NE Council may want to consider in Framework 3 (below). It is anticipated that the Herring Committee and New England Fishery Management Council will provide further guidance regarding these issues at the June 2013 meetings, so that the details of the Framework 3 alternatives can be fully developed and analyzed before final decision-making at the September 2013 Council meeting.

A. *Species to Which the Catch Cap Applies:* Given available data, the Mid-Atlantic Fishery Management Council is proposing to establish one catch cap for all four species of river herring and shad combined (see first paragraph of this report for list of river herring/shad species). If the New England Council intends on coordinating this action with the Mid-Atlantic Council and addressing issues associated with overlapping fisheries, then the Herring PDT/MSB MC recommends that the caps be constructed in a similar manner in both fisheries, at least as a starting point. Without significant coordination, there is greater risk of creating loopholes that could undermine the intent of the measures and/or producing unforeseen impacts resulting from an early fishery closure. The Herring Committee should provide further guidance regarding this issue.

- The Herring PDT and MSB MC noted that observed removals of the shad species in both the herring and mackerel fisheries have been very low, making it very challenging to establish and monitor species-specific caps for these fisheries. The Herring PDT also noted that the analyses in Amendment 5 show that the overlap between river herring and shad is such that any measures implemented to conserve or protect river herring will

likely have a similar effect on the shads. Amendment 5, therefore, did not contemplate any management measures specifically to address the shad species.

- NMFS NERO staff acknowledged the complexities that may be associated with establishing separate caps for the two river herring and two shad species in the herring and mackerel fisheries. NE Council staff noted that the discussion and analysis in Amendment 5 considered impacts on both river herring and shad stocks. Ms. Nordeen stated that she would request further guidance from NOAA GC for the Herring Committee and New England Council regarding the establishment of catch caps for American shad and hickory shad in Framework 3 since Amendment 5 only specifically addresses river herring (alewife and blueback herring).
- The Herring PDT suggested that the New England Council add RH/S catch cap species to the list of items that could be modified in the future through either a framework adjustment or the fishery specifications process; for example, if Framework 3 establishes one cap for all four RH/S species collectively, any need to divide the cap into a greater number of species-specific caps in the future could be addressed during the fishery specifications process, when future cap amounts are set.
- While the most appropriate option may be to start by developing one cap for all four RH/S species collectively (given available data and the need to coordinate with the Mid-Atlantic Council), the PDT noted that other options could be considered: (1) river herring cap only (two species of river herring, one cap); (2) separate river herring and shad caps (one cap for two species of river herring, one cap for two species of shad); (3) separate river herring caps (one cap for alewife, one cap for blueback herring) and potentially the shad species as well (one cap for American shad, one cap for hickory shad). The implications of these approaches for monitoring and reporting, as well as the impacts of reaching one or more catch caps would need to be fully considered.

B. *Vessels that Would be Subject to the Catch Cap:* The Mid-Atlantic Council will likely consider applying the RH/S catch cap on trips that land more than 20,000 pounds of Atlantic mackerel. Vessels must possess a limited access mackerel permit to catch/land more than 20,000 pounds of mackerel.

- The Council's intent with respect to the Amendment 5 measures to address river herring bycatch was to apply these measures to herring limited access vessels – Categories A, B, and C. However, some of the catch monitoring measures implemented in Amendment 5 only apply to Category A and B herring vessels (requirements for 100% observer coverage, for example). The Committee should therefore provide further guidance regarding the vessels to which a RH/S catch cap established in Framework 3 may apply.
- To simplify catch cap monitoring and accounting, the Council may want to establish a threshold level of herring landings, above which catch from the trip would be counted against the corresponding RH/S catch cap. The open access incidental catch allowance threshold of 3 mt (6,600 pounds) may be an appropriate threshold to consider for determining which trips count against catch caps in the Atlantic herring fishery. Trips with herring landings greater than 3 mt would occur only by limited access herring vessels.

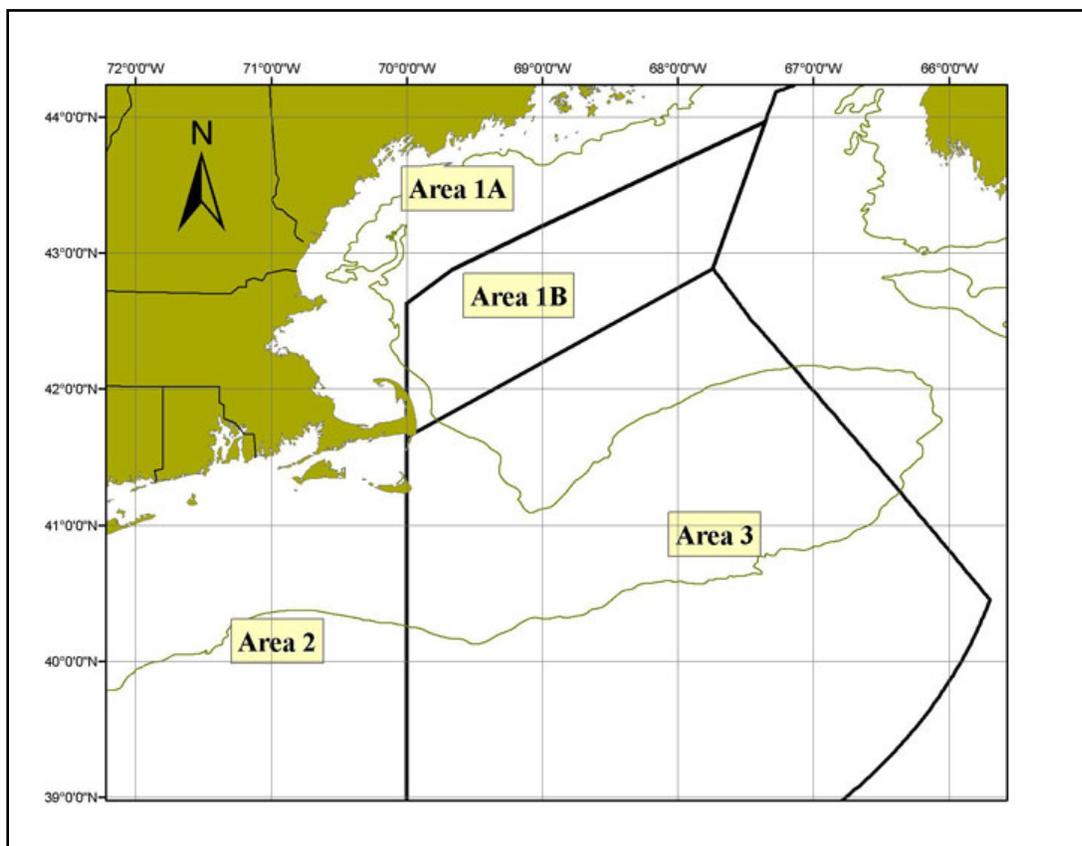
There was some discussion about the possibility of double-counting river herring/shad catch on trips that may be subject to two catch caps (mackerel and herring), but the PDT and Monitoring Committee did not believe that this would be a problem, especially if thresholds are set in both fisheries to identify the trips subject to a particular cap. This issue will be explored further by NERO staff as the catch caps are developed by both Councils and implemented across the Region.

C. Catch Cap Areas: The Mid-Atlantic Council will likely establish one RH/S catch cap for the Atlantic mackerel fishery throughout its range, as there are no management areas specified for the mackerel fishery. The vast majority of overlap between the herring and mackerel fisheries occurs in Area 2 (southern New England) during the winter months (January-April). If the RH/S catch cap is reached in the mackerel fishery, vessels in all areas would likely be limited to 20,000 pounds of mackerel per trip.

The Herring Committee should provide further guidance regarding the distribution of RH/S catch caps by area. Below, the Herring PDT has provided two potential options for consideration. Note that it may not be necessary to include multiple area-based options in Framework 3.

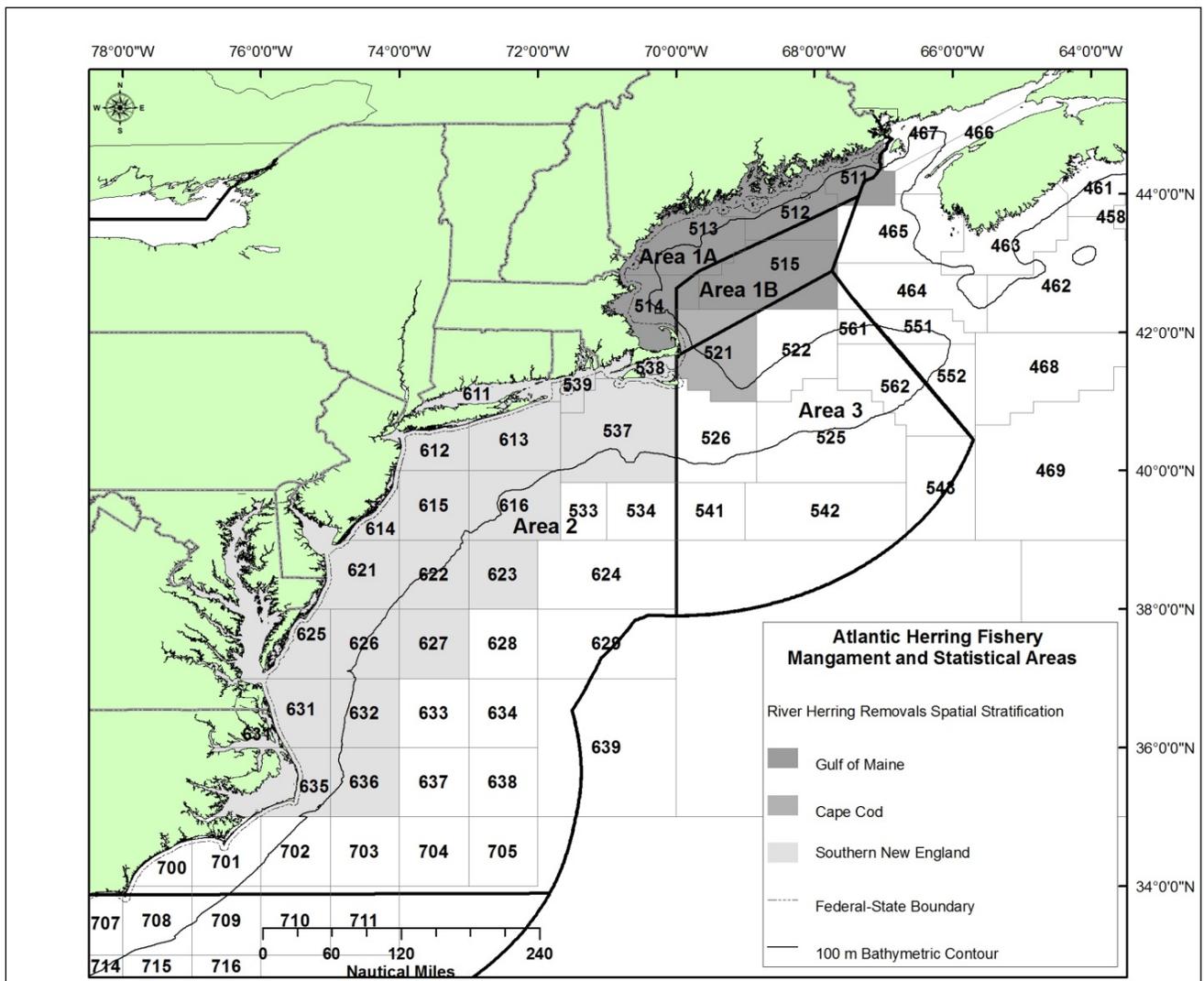
- One option for distributing RH/S catch caps would be by herring management area (Figure 1). This approach reduces administrative and reporting complexities that may be associated with monitoring a catch cap on a real-time basis.

Figure 1 Atlantic Herring Management Areas



- Another option for distributing RH/S catch caps could be by the areas considered for river herring catch triggers in Amendment 5. Under this approach, the RH/S catch caps would apply to fishing for herring in three general areas – Statistical Area 521 (Cape Cod, CC), the Gulf of Maine (GOM), and southern New England (SNE) – see Figure 2. These are the areas where the vast majority of interactions between river herring and the Atlantic herring fishery were observed from 2005-2009 (see Herring PDT Discussion Paper, December 2010). A RH/S catch cap would not apply to herring fishing throughout most of Area 3 (Georges Bank).

Figure 2 River Herring Catch Trigger Areas Considered in Amendment 5 – GOM, CC, and SNE



D. *Other Ways to Distribute RH/S Catch Caps?* If there is interest in exploring other options, the Herring Committee/Council should provide further guidance regarding the distribution of RH/S catch caps in Framework 3 prior to the second Framework meeting. The Council should specify whether options should be developed that allocate the catch caps based on factors other than geographical area, and if so, why.

- The information presented in Amendment 5 does not indicate that river herring bycatch concerns were gear-specific, i.e., midwater trawl and/or purse seine gear only. The Herring PDT has therefore not contemplated gear-specific RH/S catch caps in Framework 3 at this time. Caps also could be divided by area, as discussed below. However, the vessels/trips to which the cap would apply should be clearly identified.
- River herring catch caps could be allocated on a seasonal basis (quarterly, trimester, half year). The Herring PDT considered catch caps by half-years in the analyses developed for Amendment 5 (see December 2010 Herring PDT Discussion Paper).

E. *Catch Cap Amounts:* Catch cap amounts will be developed using data from the most recent time period (2008-2012), based on guidance from the Herring Committee and Council. Framework 3 will include RH/S catch cap amounts for the 2014 and 2015 fishing years, recognizing that the 2014 cap will likely be implemented mid-year. Future cap amounts (and other related provisions) can be specified through the herring fishery specifications process or another action (framework adjustment, amendment). The next specifications process for the Atlantic herring fishery will occur during 2015 for the 2016-2018 fishing years.

- NMFS NERO staff on the Herring PDT agreed to follow-up with Council staff to develop the specific options following the June Council meeting.
- TBD

F. *Catch Cap Estimation/Monitoring Methods:* The catch cap estimation and monitoring methodology would be determined by NMFS NERO, generally consistent with the approaches utilized for the haddock catch cap in the herring fishery and the butterfish mortality cap in the loligo squid fishery, in cooperation with the Council..

- Council staff will provide the Herring Committee and Council with the most updated description of NMFS NERO's accounting methods for the butterfish catch cap in the loligo squid fishery. Ms. Nordeen noted that the methods for estimating/monitoring the haddock catch cap are slightly different than those for the butterfish catch cap in the loligo fishery. She agreed to provide more information regarding the haddock catch cap accounting methods for the upcoming Herring Committee/Council meetings.

G. Trip Notification Requirements: Trip notification requirements would be consistent with Amendments 5 and 14 for vessels subject to the RH/S catch caps.

- Amendment 5 requires all limited access herring vessels (as well as Category D vessels fishing with midwater trawl gear in Areas 1A, 1B, and/or 3), mackerel vessels that obtain the new Area 2/3 permit for 20,000 pounds of herring, and all herring carrier vessels to notify the Observer Program through a pre-trip notification system prior to any trip where the operator may harvest, possess, or land Atlantic herring. These vessels also must declare that they are participating in the herring fishery through VMS by entering the code "HER" and a gear code prior to leaving port.
- Amendment 5 requires the vessels identified above to notify NMFS Law Enforcement via VMS of the time and place of offloading at least six hours prior to crossing the VMS demarcation line on their return trip to port (or six hours prior to landing if the vessel does not fish seaward of the demarcation line).
- Amendment 14 requires all limited access mackerel vessels (Tiers 1, 2, and 3) to declare trips to NMFS 48 hours in advance of sailing.

If the trips that are subject to a RH/S catch cap established in Framework 3 are identified based on a threshold of landings (for example, more than 6,600 pounds of herring), trip notification requirements would not require modification at this time.

H. Reporting Requirements: Reporting requirements would be consistent with Amendments 5 and Amendment 14 for vessels subject to the RH/S catch caps. Additional reporting requirements may be necessary to monitor the catch cap (for example, requirements to report total RH/S catch and total catch by statistical area, similar to requirements for herring midwater trawl vessels fishing under the haddock catch cap – see below).

Example: In Amendment 5, requirements to report catch by statistical area were considered to facilitate the monitoring of a river herring catch trigger, if adopted. These requirements are consistent with monitoring the haddock catch cap in the herring fishery and could be adopted in Framework 3 if a RH/S catch cap is established. In addition to reporting herring by herring management area through the ACL-monitoring system (daily VMS reports), herring vessels subject to this rule would have to report total catch (kept and discarded) by statistical area so that the appropriate expansions can be made from the observed catch in those areas to monitor both the haddock catch caps (Framework 46) and any river herring catch caps that may be established (see example catch report on the following page).

- I. *Sampling (At-Sea and Portside):*** The Herring PDT and Mackerel Monitoring Committee discussed issues related to sampling and observer coverage in the herring and mackerel fisheries.
- Amendment 5 – Amendment 5 proposes 100% observer coverage on Category A and B herring vessels, with industry funding (target contribution \$325 per sea day) effective one year after implementation. The amendment also includes measures to improve/maximize sampling at sea, measures to address net slippage (full sampling and trip termination provisions), and measures to establish River Herring Monitoring/Avoidance Areas that require 100% observer coverage (no waivers issued) and are linked to the SMAST/SFC river herring bycatch avoidance program; these and other management measures in Amendment 5 apply to all limited access herring vessels – Category A, B, and C. Full sampling provisions (i.e., Closed Area I) and 100% observer coverage are also proposed for all midwater trawl vessels fishing in the year-round groundfish closed areas. Amendment 5 is expected to be effective before the start of the 2014 fishing year.
 - Amendment 14 – Amendment 14 to the MSB FMP recommends 100% observer coverage of midwater trawl mackerel trips, 100% coverage of Tier 1 small mesh trips, and lower percentages for lower tier small mesh mackerel trips.
 - Portside Sampling and the SMAST River Herring Avoidance Program – The Herring PDT/MSB MC briefly discussed updated information about the MA DMF and ME DMR portside sampling programs and agreed to revisit this issue in more detail at a future meeting. The group acknowledged the importance and potential cost efficiency of portside sampling to estimate catch in the herring and mackerel fisheries, particularly with respect to non-targeted but landed RH/S catch.
- J. *Measures that Become Effective When Cap is Reached:*** The Mid-Atlantic Council will likely consider restricting all vessels to a possession limit of 20,000 pounds of Atlantic mackerel once the RH/S catch cap is reached. The Herring Committee/Council should provide further guidance regarding the consequences of reaching a RH/S catch cap in one or more areas.
- *Option:* When the catch cap is reached in an area, the directed herring fishery in that area closes, and all vessels would be subject to a possession limit of 2,000 pounds of Atlantic herring.
 - *Option (if a threshold to identify trips subject to the cap is chosen – ex., 3 mt):* When the catch cap is reached in an area, all herring vessels (all permit categories) would be subject to a possession limit of 3 mt (6,600 pounds) of Atlantic herring. When the trigger for the sub-ACL in a management area is reached (ex., 92%), the directed herring fishery in that area would close, and all vessels would be limited to a possession limit of 2,000 pounds of Atlantic herring.
 - *Catch Cap Overages/Underages:* The Herring Committee should provide further guidance regarding provisions related to RH/S catch cap overages and underages.

K. *Adjustments and Modifications:* Future cap amounts (and other related provisions) can be specified through the herring fishery specifications process or another action (framework adjustment, amendment). The next specifications process for the Atlantic herring fishery will occur during 2015 for the 2016-2018 fishing years.

Other Issues

The Herring PDT/MBS MC briefly discussed plans for upcoming meetings and agreed to follow-up via conference call/webinar shortly after the June MA and NE Council meetings.